



CRM-M-38024-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-38024-2024

Date of decision: 5th September, 2024

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...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohammad Arshad, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case bearing FIR No. 418 dated 24.08.2023 registered under Sections 186, 332, 353, 307 and 411 of IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station Sadar Nuh, District Nuh.

2. Tersely put, the factual background of the case of the prosecution is that on 23.08.2023, a police party was performing patrolling duty when a secret information was received that the petitioner who was involved in the act of committing riots on 31.07.2023 in Nuh (Mewat), which had led to causing of substantial damage to public properties, was going towards village Aali Mev to meet his in-laws family and could be apprehended. Believing the secret information to be true, barricades were laid on the way leading to village Aali Mev. Sometime thereafter, the petitioner was found coming there on his bike. On seeing the police officials who told him to stop, he at once took U-turn and tried to flee. However, the



police party started chasing him. His bike slipped and he fell on the ground. When one of the police officials tried to stop him, he opened fire with a country made pistol, which he was carrying, on a police official with the intention to kill him. In defence, the police official also fired a shot upon the petitioner and the bullet hit on his right leg. One country made pistol and blank cartridge was recovered from him. The same along with his motorcycle was taken into possession. The petitioner was taken to hospital for treatment and thereafter, was formally arrested. The aforementioned FIR has been registered against him. Investigation has since been completed. He had moved an application for grant of regular bail before the Additional Sessions Judge, Nuh which was dismissed vide order dated 15.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 24.08.2023. Trial is likely to take time as there is a large number of witnesses are yet to be examined. No useful purpose would be served by keeping him in custody. No police official has been injured in the incident, rather it was he who was injured. He has a permanent abode. There are no chances of his absconding. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that there are serious allegations against the petitioner. He is a habitual offender and has been booked in nine more criminal cases, some of which are of similar nature. Recovery of the weapon of offence has been effected from him.

There are chances of petitioner's absconding and committing similar



offences, if extended benefit of bail. The trial may be expedited. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is in custody in this case since 24.08.2023. Trial is likely to take time. Pendency of other criminal cases cannot be made a ground to decline the bail to the petitioner. No injury had been sustained by any police official in the incident rather injury had been sustained by the petitioner. Keeping in view the above discussed facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of trial and furnish an affidavit each time that he is not involved in any other case except the present one.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th September, 2024

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |