

CRM-M-39056-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39056-2024
Reserved on: 10.09.2024
Pronounced on: 27.09.2024

Ajeet Jakhad ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. P.S. Bindra, Advocate and
Ms. Malini Singh, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Rajesh Lamba, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
375	12.06.2024	Mujessar, District Faridabad	307, 341, 323, 427, 148, 149 & 506 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per custody certificate dated 24.08.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	285	10.05.2020	148, 149, 323, 452, 379-A, 354 506, 427, 307 IPC and 25/54/59 of Arms /act	Mujjesar, Faridabad
2	24	11.01.2021	332, 353, 186, 224, 225, 34 & 506 IPC	Mujjesar, Faridabad

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:
- “2. That a case bearing FIR No.375 dated 12.06.2024 U/s 148, 149, 323, 341, 307, 427, 506 IPC was registered at Police Station, Mujessar Faridabad, District Faridabad on the basis of a complaint made by Chanchal, complainant.

The complainant stated and raised allegations against the petitioner/accused to the effect that on 12.06.2024 complainant filed a written complaint for lodging the FIR with the allegations that she was having land dispute with one Parkash Kaur and earlier she had given a complaint against her on 09.06.2024 in the Police Station. It is alleged that in connection with the said complaint, the complainant along with her husband and children were going to the Police Station for compromise, but on the way. petitioner/accused Ajeet Jakhad, his son Prince, Amit and Parkash Kaur came in a Fortuner vehicle bearing registration No.HR-29AP-1008, one Scorpio and four motorcycles and hit their car multiple times, due to which Wagon-R car bearing registration No.HR-51CC-0934, in which the complainant along with her children were sitting and another car Creta bearing registration No.HR-87L-4958, in which husband of the complainant and nephew Suraj and Kapil were riding, got badly damaged, but somehow they managed to come to the Police Station, but even in the Police Station also, the aforesaid accused persons hit their cars, in which the complainant and her family members were sitting, with an intention to commit their murder and thereafter they fled away from the spot after firing in the air. Hence, the present case was registered.”

4. The petitioner's counsel argued that actually the petitioner at the time of alleged incident was present in the police Station and Ashok husband of the complainant, Ami S/o Complainant and Yash S/o Ashok gave beatings to the petitioner while he was in police station and also Rohtash, Suraj and Tinu Godara also manhandled the petitioner. The same is evident from the MLR of the petitioner. He further submits that the police rather than taking action against the complainant party has registered the present case/FIR against the petitioner. It is submitted that no firing as alleged had taken place at the time of incident as no empties or firing marks were found at the spot of occurrence. No offence under Section Arms Act has been added by the police. The MLRs of the complainant side are attached as Annexure P-2 to P-4 which clearly shows that no offence u/s 307 IPC are made out in the present case as the injuries are contusions and abrasions only and no injury is on a vital part of the body. The petitioner has himself submitted an application for providing and preservation of CCTV footage of the relevant time and in any case the petitioner at the time of alleged occurrence was present in the police station and not in any of the vehicles used at the time of alleged occurrence.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

CRM-M-39056-2024

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"4. That the allegations against the petitioner/accused are of serious nature and the petitioner/accused directly involved in the present case, who along with his co-accused had attacked upon the complainant party with the intention to kill them.

5. That in the present case, the petitioner/accused was sitting in the Fortuner vehicle and instigating his son Prince to over run the complainant and her family members in order to kill them on the way to the Police Station as well as in the Police Station also. It is pertinent to mention here that the petitioner/accused had come with the Parkash Kaur along with other co-accused persons in connection with the compromise of a plot measuring 600 square yards with the complainant party. Thereafter, petitioner/accused called his son namely Prince and his son Prince called his friends/ co-accused reached on the spot, in which Binnu son of Rohtash, and Binnu called his friends on the spot in their respective vehicles. The complainant along with her family members, while returning from the police station and reached near Dabri turn, then the complainant and her family members were surrounded by the accused persons and hit the Creta Car and Wagon-R car of the complainant multiple times, in which complainant, her children and her husband were sitting with intent to kill the complainant and her family members. Thereafter, the complainant party rescued themselves from the clutches of the accused persons and came back in the police station, where also the petitioner/accused and other co-accused persons came there and again hit the vehicles of the complainant party with the intention to kill them. The petitioner/accused also instigated other co-accused that today they (complainant party) will not be left spare. The petitioner/accused was apprehended in the Police Station and other co-accused fled away from the spot along with respective vehicles.

x x x x.

9. That the petitioner/accused has been specifically named in the FIR and there are specific allegations levelled by the complainant against the petitioner/accused.

10. That during investigation of the present case, CCTV footage were taken from the police Station and place of incident, in which the vehicles of the accused persons are visible. However, the petitioner/accused was

CRM-M-39056-2024

arrested at the spot in the Police Station on the same day i.e. 12.06.2024. The petitioner/accused has also admitted his involvement in his disclosure statement recorded by the police on the same day i.e. 12.06.2024. The English Translated version of disclosure statement of petitioner/accused is Annexure R-1 and vernacular version of the disclosure statement is also annexed."

8. The petitioner is a history sheeter. In the present case, he was explicitly named in the FIR. The evidence is clinching and scary.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.09.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.