

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46725-2023
Date of decision: 15.02.2024

Sumit
...Petitioner

Vs.

State of Haryana
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Senior Advocate,
with Mr. A.S. Pannu, Advocate,
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

Manjari Nehru Kaul, J. (oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.42 dated 02.02.2023, under Sections 307, 326, 325, 387, 342, 452, 506, 201, 109, 120-B, 34 IPC and 25/27 of Arms Act, 1859, registered at Police Station, IMT, Rohtak, District Rohtak.
2. Learned senior counsel for the petitioner submits that admittedly, the petitioner was not one of the persons named in the FIR in question nor any role had been assigned to him therein, much less of having inflicted any injury on the person of injured Suresh and Ram Niwas. He submits that the petitioner was later nominated as an accused on the basis of a disclosure statement allegedly suffered by the co-accused, who stated that the petitioner had done recce and had been in touch with them through his

walkie talkie and in addition to that had also provided them with the weapon of offence. Learned senior counsel submits that the evidentiary value of the aforesaid disclosure statement is of a weak nature coupled with the fact that the petitioner has now been in custody for little more than one year having been arrested on 07.02.2023 and even charges since stand framed, his further incarceration would serve no useful purpose.

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the petitioner was not present at the time of alleged occurrence and even no injuries had been attributed to him. However, she submits that the petitioner was one of the passive participants in the occurrence in question inasmuch as he was all along in touch with the co-accused, who inflicted firearm injuries on both the injured besides also providing them with the weapon of offence; on being arrested on 07.02.2023, a huge recovery of 30 live cartridges along with the walkie talkie set, used in the occurrence in question, was effected from the petitioner. Learned State counsel has still further submitted that the petitioner is a man of criminal antecedents as he is involved in several other criminal cases, including one case under Section 302 IPC and four under the Arms Act. She has still further submitted that the petitioner was on bail in the other criminal cases, registered against him when the crime in question was committed; hence, it was evident that he had misused the said concession and in case, he was yet again enlarged on bail, keeping in view his criminal antecedents, there was a strong possibility that he could either evade the process of law or be again involved in another criminal case. She has, on instructions, further submitted that the next date of hearing before the trial Court is 11.04.2024 when the prosecution

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Prima facie, there are serious allegations levelled against the petitioner in the crime in question. He may not have been an active participant in the crime in question, however, as per the investigation carried out, he allegedly provided all assistance to the co-accused by doing a recce, providing all other information about the injured as also the weapon of offence. In the occurrence, two persons received multiple firearm injuries at the hands of the co-accused. This Court also cannot turn a blind eye to the criminal antecedents of the petitioner, who admittedly is involved in a number of criminal cases. This Court, thus, concurs with the submissions made by learned State counsel that in case the petitioner is enlarged on bail, keeping in view his criminal antecedents, he could intimidate/influence the witnesses. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2024
Ajay Prasher

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No