

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-48406-2023

Date of decision: 11.03.2024

Sahil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Kripal Singh, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (fourth) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.55 dated 14.02.2020 under Sections 148, 149, 307 of the IPC and Section 25 of the Arms Act registered at Police Station Meham, District Rohhtak.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the present case for inflicting gun shot injuries on the injured. While drawing the attention of this Court to the allegations levelled in the the FIR which has been annexed as Annexure P-1, it has been further submitted that the petitioner's false implication in the present case finds due credence from the fact that even as per the admitted case of the complainant himself there was a history of strained relations between the parties. Learned counsel has further submitted that the weapon of offence i.e. the pistol supposedly recovered from the petitioner was actually seized in a separate incident and was

subsequently planted upon the petitioner. Learned counsel for the petitioner has further vehemently urged that since as the petitioner has been in custody since 20.03.2020 and none of the 27 witnesses cited by the prosecution have been examined till date despite the charges having been framed on 02.12.2023, the conclusion of the trial seems distant. Hence, further incarceration of the petitioner, in the circumstances, would serve no useful purpose.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. It has been asserted by learned State counsel on instructions that the petitioner is the prime accused in the instant case; he has been attributed a gun shot injury on the chest of the complainant, and even the recovery of the weapon of offence was effected from him. Furthermore, it has been submitted that the petitioner is a man of criminal antecedents as it is a matter of record that he is involved in multiple criminal cases registered across different districts of the State of Haryana; the two co-accused of the petitioner i.e. Ankit and Mohit, who had earlier been extended the concession of bail by the learned Trial Court, have absconded which has resulted in further delay in the conclusion of the trial. Learned State counsel has further submitted that in the wake of the criminal antecedents of the petitioner coupled with the specific role attributed to him in the crime in question, in case the petitioner is enlarged on bail there is a genuine apprehension that he too could abscond and/or tamper with material evidence as well as try to intimidate/influence the witnesses. A prayer has, therefore, been made for dismissal of the present petition.

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

5. A perusal of the custody certificate which has been placed on record by the learned State counsel reveals that there are seven other criminal cases pending against the petitioner in different districts across the State of Haryana. Furthermore, learned counsel for the petitioner has failed to bring to the notice of this Court any material change in circumstances after the withdrawal of previous petition on 19.09.2022. Prima facie there are serious and specific allegations levelled against the petitioner for which this Court does not deem it fit to extend the concession of regular bail to him. 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. Accordingly, the instant petition is hereby 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.

7. However, since the petitioner has been in custody since 20.03.2020, the learned Trial Court is directed to make earnest efforts to expedite the trial.

11.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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