



CRM-M-8872-2024
Date of decision: 04.03.2025

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Custody certificate dated 03.03.2025 filed in Court today.

The same is taken on record. Copy thereof has been supplied to the opposite counsel.

2. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
631	07.07.2023	186, 307, 332, 353, 34 of IPC and 25 of Arms Act	Samalkha, District Panipat.

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner is innocent and has been falsely implicated in this case on account of the police official having grudge with him qua demand of illegal gratification. He further contends that the petitioner has no concern with the allegations levelled in the FIR and in fact the co-accused Rakesh had been killed in the cross firing by the police and to cover up, the present case has been registered. He submits that the petitioner is in



CRM-M-8872-2024

2

custody since 13.07.2023 and the challan has already been presented in Court. Hence, prayed for grant of bail.

4. Per contra, learned State counsel, by referring to the reply filed by the State, has strongly assailed his arguments by arguing that the petitioner happens to be the active member of criminal gang indulging in committing murders, demanding ransoms and many cases involved in attempt to murder. He submits that there is specific allegations against the petitioner of having fired from his country made pistol on the police party and in the process, the petitioner also sustained injuries while his accomplice got killed. He contends that the *naka* was laid by the police on the basis of secret information and when the petitioner along with co-accused coming in a vehicle were signalled to stop, they started firing on the police party and in self defence, the police party had to open fire resulting in the petitioner also sustained injury. He submits that one country made pistol along with live cartridge were recovered from the possession of the petitioner while empty cartridges were found lying at the place of occurrence. He submits that the petitioner has been active member of gang of criminals indulging in extortions, murders etc in the State and having seven more criminal cases registered against him and in these circumstances, he prays for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it is observed that as per the case of prosecution, on receipt of secret information, *naka* was laid wherein the police party signalled a vehicle carrying the petitioner and the co-accused who started firing on the police party and in defence, the police party had to open fire leading to

CRM-M-8872-2024

3

the petitioner and the co-accused sustaining injuries in the occurrence. The petitioner was apprehended at the spot and one country made pistol and live cartridge were recovered from him. The co-accused Rakesh succumbed to the injuries. Although, after completion of investigation, challan has already been presented in Court which is pending trial.

6. Considering the serious nature and gravity of the offence wherein the petitioner had open fire with his country made pistol on the police party coupled with his criminal antecedents, it is observed that no case in favour of petitioner is made out for grant of regular bail.

7. Accordingly, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.03.2025

kanika

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |