



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

**CRM-M-20396-2024**

**Date of decision: 18.02.2025**

**AJEET @ BABUA**

**....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**....RESPONDENT**

**CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Vivek Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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**SANJIV BERRY, J.(ORAL)**

Custody certificate dated 17.02.2025 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: -

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
858	03.11.2022	307 and 34 of IPC and 25 (1-B) (a) of Arms Act, 1959	Old Industrial Area, Panipat, District Panipat, Haryana.

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner is innocent and has been falsely implicated in this case and no specific overt act is attributed to the petitioner and he is in custody since 03.11.2022. He submits that the challan has already been presented in Court and the conclusion of trial will take sufficient long time. Hence, prayed for grant of bail to the petitioner.

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4. On the other hand, learned State counsel by referring to the reply filed by the State, has assailed his arguments by submitting that the petitioner has actively participated in the occurrence while being armed with a country made pistol and had tried to fire towards the police party although the weapon did not work. He submits that consequent upon the arrest of the petitioner, one 32 bore country made pistol along with two live cartridges and also a motorcycle used in the crime have been recovered. The case of the prosecution is on the final stage as out of the 19 witnesses cited by the prosecution, 14 have already been examined. He submits that there is specific allegations against the petitioner of having actively participated in the crime and he is also having one more criminal case registered against him. Moreover, the occurrence has been captured in the CCTV footage showing the active participation of the petitioner. Hence, prayed for the dismissal of the petition.

5. After going through the record and the submissions made by both the parties, it is observed that as per the case of the prosecution, on 03.11.2022, after receiving information from hospital regarding HC Madan being admitted in the hospital, the police party reached hospital where the injured was declared unfit to give the statement. The police recorded statement of the eye witness, another member of the police party, who stated that on 02.11.2022, at about 10:30 PM, after completion of election duty, he met HC Madan and HC Nishant near Kachhi Fatak when information was received that some boys have committed robbery at a liquor vend situated nearby. On this, they started search of the assailants and noticed four boys coming on a motorcycle who were signaled to stop

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and while the police party was enquiring about their names and antecedents, one of the boys namely Vishal asked the petitioner Ajit to fire at the police upon which, he took out his pistol from his pocket and pointed towards HC Madan but it did not work. In the meanwhile, one of them gave *Gandasi* blow on the head of HC Madan with intent to kill him and the assailants ran away from the spot leaving the bike at the spot. Thereafter, the FIR was registered and subsequently, the accused were arrested in this case.

6. It is evident from the record that the incident was captured in the CCTV footage and the assailants were identified therefrom. After the arrest of the petitioner, recovery of 32 bore country made pistol along with two live cartridges and the motorcycle used in the crime was also effected from the place of occurrence. It is also worth mentioning that the trial is at the fag end, as 14 witnesses out of the 19 witnesses cited by the prosecution have already been examined in the trial Court.

7. Considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of regular bail.

8. Accordingly, the petition is hereby dismissed.

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

**(SANJIV BERRY)**  
**JUDGE**

**18.02.2025**

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