

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-29624 of 2016

Date of Decision: 08.09.2016

Sachet Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Dr. Anand Kumar Bishnoi, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner-Sachet Singh in case FIR No.103 dated 9.4.2016 under Sections 307, 120-B, 109, 34 and Sections 148 and 149 (added later on) of the Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station City Rewari, District Rewari.

As per the case of the prosecution, on 9.4.2016 at around 12-00 noon, complainant - Shivam was sitting near tea vendor in the street adjacent to his house located in Mohalla Balbhadar Sarai, Rewari. Two assailants namely Kalia alias Prem and Lallu alias Lalit came on a Hero Honda motorcycle and stopped their motorcycle near the complainant. In

the meantime, on one another motorcycle, Monia and another accused came from the front side. They stopped their motorcycle near the temple. On seeing them, the complainant stood up from his place. Lallu took out a country-made pistol. Complainant gave a push to the hand of Lallu and turned back to skip, however, the gun shot hit his right buttock. Co-accused Kalia also took out a country-made pistol, but on hearing the noise of gunshot, lot of people rushed to them. Noticing this, accused Lallu and Kalia ran away from the spot, leaving their motorcycle, whereas co-accused Monia and his companion ran away from the spot with their motorcycle. The complainant-injured was shifted to hospital and FIR was registered.

Learned counsel for the petitioner has argued that name of the petitioner does not figure in the FIR and it is only from the disclosure statements of co-accused, the name of the petitioner has figured for the first time. He has been falsely implicated in the case with ulterior motive to settle scores against the petitioner, as the petitioner had got an FIR registered against the complainant and other accused persons. On 5.4.2016, the petitioner was brutally assaulted by the complainant and other accused persons, resulting his hospitalization. He had suffered fracture in nasal bone, vertebra and jaw. Therefore, FIR No.105 dated 10.4.2016 under Sections 323/325/341/506/34 IPC Police Station Rewari was registered against the complainant and others. He further submitted that the local police is acting in connivance with the complainant.

On the other hand, learned State counsel has submitted that the petitioner is the main accused, as the co-accused namely Monu Saini,

Satpal and Prem have made disclosure statements that they met the petitioner when he was hospitalized at Pushpanjali Hospital at Rewari, where the petitioner had asked them to murder the complainant-Shivam, as a lesson for causing injuries to him.

I have heard learned counsel for the parties.

The occurrence in question has taken place in a dare-devil manner and the accused have given gun shot to the complainant in a thickly habitated area outside the house of the complainant. In the present case, the disclosure statements of co-accused of the petitioner, namely Monu Saini, Satpal and Prem is of utmost importance, whereby the co-accused have stated that they met the petitioner when he was hospitalized at Pushpanjali Hospital, Rewari, where the petitioner asked them to murder the complainant Shivam, as the petitioner was given injuries by him.

Therefore, taking into consideration the injuries received by the complainant-Shivam as well as the allegations levelled against the petitioner, which are quite serious in nature, this Court finds that the petitioner is not entitled to the relief claimed in the present petition.

Dismissed.

However, it is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

September 08, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No

