

CRM-M-26853 of 2017

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

CRM-M-26853 of 2017

Date of Decision: 17.11.2017

Jitender

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. R.K. Doon, A.A.G., Haryana.

Mr. Ashok Kaushik, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks cancellation of the bail granted to respondent no. 2, Deepak, vide an order of this Court dated 30.05.2017, passed in CRM-M-18249 of 2017.

Mr. Sanghi, learned counsel for the petitioner, has raised a two fold submission; firstly, that the said respondent Deepak (petitioner in the aforesaid CRM-M-18249 of 2017), subsequently also has been indicted by the police in its report filed under Section 173 Cr.P.C before the competent Court, in an FIR subsequently registered against him on 17.06.2017, the FIR (no. 352) having been registered on the allegation that he had been threatening the witnesses in the first FIR, i.e. the FIR in question in the present petition (FIR No. 458 dated 29.07.2016, registered at Police Station City Palwal, alleging therein the commission of offences punishable under Section 307 etc. IPC and Section 25 of the Arms Act);

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and secondly, that the bail granted by this Court to the 2nd respondent herein, in the aforesaid petition, was on the ground that the injured person, Mahavir, is subsequently alleged to have made a statement that it was not respondent no. 2 but the petitioner herein (Jitender), who had shot him in the leg.

Learned counsel for respondent no. 2 however has produced in Court today, a certified copy of the statement made by the aforesaid Mahavir before the learned Judicial Magistrate Ist Class, Palwal, on 18.03.2017, to the effect that it was the petitioner who had actually shot at him and not respondent no. 2.

As per the status report filed in Court today by learned State counsel, (the report being by the DSP Palwal), it is stated that as regards the investigation in FIR No. 352 dated 17.06.2007, the report under Section 173 Cr.P.C. has been submitted to the competent Court (as already noticed) and as regards any statement made by the aforesaid Mahavir subsequently to the effect that it was respondent no. 2 Deepak who had shot him and not the petitioner, no such subsequent statement is on record.

In the aforesaid circumstances, without making any comment whatsoever on as to actually who may have caused the injury to the aforesaid Mahavir, and whether or not Deepak threatened Mahavir into making a statement against the petitioner, which obviously would be gone into in the investigation still going in that case and by the Court at the stage of trial subsequently (if it comes to that stage), this petition, in the opinion of this Court, has to be dismissed.

Ordered accordingly.

November 17, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.