

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-3112 of 2017 (O&M)

Date of decision: 2.3.2017

Sandeep Nagpal @ Sunny

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Sukhdeep Parmar, Advocate,
for the petitioner.
Mr.Kuldeep Tiwari, Addl.AG, Haryana
Ms.Promila Nain, Advocate,
for the complainant.

...

AMOL RATTAN SINGH, J. (Oral)

CRM No.7038 of 2017

The application is allowed and the photographs are taken on record.

CRM No.M-3112 of 2017

Learned counsel for the complainant and learned State counsel have both submitted that the petitioner, even as per the photographs now on record, is seen to be taking out a revolver, which was subsequently also recovered from him, but found to be not licensed to him.

Learned counsel for the complainant further submits that the complainant, in fact, is the owner of the building where the petitioners' brother is running a nursing home and is also a partner in the nursing home.

Learned counsel for the petitioner, on the other hand, though not denying the fact that the aforesaid revolver does not belong to the petitioner but to his uncle, Tarun Nagpal, who has also been booked under

Section 30 of the Arms Act, 1925, submits that, as a matter of fact, the complainant in the FIR was the aggressor, as can be seen from the photographs produced in Court today by him, showing that the said complainant, Dr.Jitender Sharma, had entered the premises in a very aggressive manner, after which the petitioner and his co-accused retaliated.

He further submits that the complainant, even as per the FIR itself, had come along with his companions, and not alone.

Having considered the aforesaid arguments, though the revolver in question is already stated to have been recovered from the petitioner, however, in view of the fact that the petitioner was carrying an arm not licensed to him and had attempted to threaten the complainant with that weapon, I see ground to continue with the interim order.

Consequently, this petition is dismissed.

The interim order dated 31.1.2017 stands vacated.

2.3.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No