

Sr. No.214

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-6977 of 2017 (O&M)

Date of Decision:06.04.2017

Bunty Gujjar

... Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-7873 of 2017 (O&M)

Neeraj Duggal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Namit Khurana, Advocate,
for the petitioner in CRM No.M-6977 of 2017.

Mr. G.C.Shahpuri, Advocate,
for the petitioner in CRM No.M-7873 of 2017.

Mr. Deepak K. Grewal, DAG, Haryana.

Mr. R.S.Chahal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-6977 of 2017 (Bunty Gujjar Vs. State of Haryana) and CRM No.M-7873 of 2017 (Neeraj Duggal Vs. State of Haryana) as both these connected petitions have been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioners pending trial in case FIR No.465 dated 25.07.2016, under Sections 148, 149, 323, 307, 120-B IPC and Section 25 of Arms Act, registered at Police Station City Jagadhri, District Yamuna Nagar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Vishal @ Kalu. Complainant asserted that he was in a friendly relationship with one Manish Ganja and who in turn had obtained a loan of Rs.20,000/- from him. It is further asserted that such loan amount having not been returned, Manish Ganja was being repeatedly called upon to return the money and on account of which Manish Ganja started nursing a grudge against Vishal @ Kalu.

Allegations are pertaining to an alleged occurrence that took place on 25.07.2016 during the late evening hours when Vishal complainant along with his father Atma Ram were walking in the street. It is alleged that at that point of time Manish Ganja along with his accomplices, namely, Neeraj Duggal (petitioner in CRM No.M-7873 of 2017), Nitin, Sahil, Mohit and 8-10 other boys came. Manish Ganja is stated to have raised a *lalkara* and then fired with a country made pistol and the shot hit above the right eye of Atma Ram i.e. father of the complainant.

As per version of the complainant, Neeraj Duggal (petitioner in CRM No.M-7873 of 2017) also fired from a country made pistol which hit Sanjiv son of Rajinder to his foot.

Both the petitioners in these connected petitions were arrested on 04.08.2016.

Investigation is complete, challan stands presented and even charges have been framed.

Atma Ram who suffered a gunshot injury above the right eye and such injury having attracted offence under Section 307 IPC has already been examined before the trial Court.

It has gone uncontroverted that name of Bunty Gujjar (petitioner in CRM No.M-6977of 2017) did not even figure in the initial

version of the complainant. He is sought to be implicated on the disclosure statement of main accused Manish Ganja and recovery of *danda* is stated to have been made from Bunty Gujjar. The deposition of Atma Ram has also been read out in Court and as per which there is no attribution to Bunty Gujjar of being armed with a firearm. Even examination-in-chief of Sanjiv son of Rajinder stands concluded before the trial Court. As per his deposition, there is an attribution of a shot by a firearm to Neeraj Duggal (petitioner in CRM No.M-7873 of 2017) and which hit him in the abdominal area. Injuries suffered by Sanjiv son of Rajinder has been opined to be simple in nature.

In view of the discussion above and without making any observations on merits, both the petitioners are held entitled to the benefit of bail.

Petitions are allowed. Petitioners be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Yamuna Nagar at Jagadhri.

Disposed of.

06.04.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No