

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32449-2018 (O&M)
Date of Decision:-26.09.2018.

Rajeev @ Raju

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. P.S. Khurana, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for regular bail under Section 439 Cr.P.C. with reference to FIR No.30 dated 19.01.2018 under Sections 307/341/120-B/34 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station City Rai, District Sonipat.

2.) Learned counsel for the petitioner submitted that petitioner is in custody since January, 2018 and one Sandeep @ Sada is stated to have caused injury with a gun shot to Vikram (Bittu), whereas, petitioner has been implicated falsely with reference to certain difference of opinion on earlier occasion with the injured Vikram (Bittu). It was further submitted that no injury has been attributed on the petitioner, no recovery and further respondent-State are relying on disclosure statement of the petitioner. Such a statement has been obtained when the petitioner was in custody. On these issues, petitioner is entitled to the benefit of regular bail.

3.) On the other hand, learned State counsel, on instructions from ASI Puran Singh submitted that there is sufficient material to show that petitioner is involved in the alleged incident of firing a gun shot on the injured person-Vikram (Bittu). The contention of the petitioner that no injury has caused and no recovery are concerned, it is a matter of trial. Further it is submitted that petitioner has misled this Court by producing Hotel Royal Inn bill and its contents are contradictory to the factual aspect. Evidence is yet to commence. It was also submitted that among the 3 accused, one of the accused was on bail and after obtaining bail, he was threatening the witnesses for which he has been subjected to another FIR.

4.) Heard the learned counsel for the parties.

5.) Petitioner's contention that no injury has been caused so also no recovery are concerned, it is to be noted that injury has been caused on Vikram (Bittu) even though if it is with the weapon of Sandeep @ Sada, at the same time, it is also evident that petitioner was also carrying weapon. Motive is required to be taken into consideration even though petitioner has not caused any injury on the injured person. Having regard to the submission of the learned State counsel that one of the co-accused is on bail is threatening the witnesses, therefore, it is not appropriate to extend regular bail to the petitioner as evidence is yet to commence.

6.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

September 26, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.