

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

**CRM-M-34805-2018
Date of decision:23.10.2018**

Jagjit @ Mona

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.160 dated 22.07.2018 under Sections 25, 54 of Arms Act, 1959 and Sections 307, 34 of Indian Penal Code, 1860, registered at Police Station Uklana, District Hisar.

It may here be mentioned that in fact the aforesaid FIR was got lodged at the instance of present petitioner himself but subsequently the petitioner is now sought to be arrested in connection with the aforesaid FIR for having committed offences punishable under Sections 380, 199, 200 and 195 of Indian Penal Code, 1860.

The allegations in nut-shell as levelled in the aforesaid FIR lodged at the instance of the petitioner himself are that on 21.07.2018 when he along with Pal, Ram Mehar and Sonu were present on the tubewell in the fields of Pal, then three young persons came on a

motorcycle and one of them sitting on the rear seat fired upon the petitioner/complainant, but the shot did not hit the complainant. However, another shot was fired which hit the left shoulder of the complainant. It is alleged that the aforesaid three young persons had fired at the complainant/petitioner to kill him on account of the fact that the petitioner is a witness in a case of honey-trap.

It is the case of the prosecution that subsequently a disclosure statement of Bhupinder and statement of Pal under Section 161 Cr.P.C. was recorded wherein both of them stated that in fact Bhupinder had fired at the complainant and that the present petitioner was fully aware about the said fact but had got lodged the a false FIR.

Notice of the petition was issued to the respondent-State.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is unlikely that the petitioner would have self-suffered a fire arm injury.

On the other hand learned State counsel has submitted that in view of the disclosure statement made by Bhupinder and statement of Pal it is evident that the petitioner had got a false FIR lodged and had fabricated an injury on his shoulder and in these circumstances he is not entitled for grant of bail. It has however been informed that the petitioner has joined investigation and he is no longer required for custodial interrogation.

Having regard to the facts and circumstances of the case, it would be debatable as to whether the injury on the shoulder of the petitioner is self-suffered or not. In any case I do not find that it is a case

of custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 14.08.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

23.10.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**