

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

CRM-M-4377-2018
Date of decision:-2.4.2018

Virender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Ankur Lal, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Sanjeev Kumar Aggarwal, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Virender, an accused in FIR No.846 dated 4.10.2017, under Sections 148, 149, 307, 323, 452, 506 IPC and Section 25 of the Arms Act, registered at Police Station Surajkund, District Faridabad.

Briefly stated, the facts of the case as per prosecution story are that on 4.10.2017 at about 7:55 p.m., while the complainant Dipansh son of Narender Bhadana aged about 18 years was sitting in the shop of his uncle Lokesh, then his two other uncles, namely, Devender and Virender sons of Mahipal accompanied by three other persons with muffled faces came there; Devender hit complainant Dipansh with a

danda on his head; Virender took away mobile phone of complainant and beat him up; the complainant pushed Virender and took back his phone from him and thereafter informed his mother that he was being beaten up by Devender and Virender; father of complainant also came there; then Virender asked Devender to shoot complainant, hearing that Devender, who was carrying a revolver in his hand fired two shots, which hit the complainant on his left leg, whereas third shot fired by Devender grazed passed near ear of the complainant; the complainant raised alarm, then all the assailants ran away from the spot in a car and Scorpio vehicle. FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Faridabad vide order dated 29.1.2018. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner stated that the petitioner is innocent; he was not present at the spot and has been roped in on account of property dispute between petitioner and father of complainant, who are real brothers; another criminal case had been got registered by the complainant against the present accused; that civil litigation is also pending between them; that no injury has been attributed to the petitioner and that he has since joined the investigation in terms of the order passed by this Court, therefore, he be granted concession of pre-arrest bail.

Whereas, the request is being opposed by learned State

counsel.

After hearing the rival contentions of learned counsel for the parties, I find that the role attributed to the petitioner in the incident is of raising *lalkara* only and the injuries found on the person of injured are gun shots wounds, attributed to co-accused Devender, in that way no recovery is to be effected from the petitioner. He has already joined the investigation in terms of the directions issued by this Court vide order dated 12.2.2018. Therefore, keeping in view the nature of the case, custodial interrogation of the petitioner is not found to be necessary and he deserves to be granted pre-arrest.

Therefore, interim bail granted to the petitioner vide order dated 12.2.2018 is made absolute, subject to his fulfilment of conditions under Sections 438(2) Cr.P.C.

Petition stands allowed accordingly.

2.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No