

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12026-2019 (O&M)
Date of decision: 18.03.2019

Vivek Mahajan @ Kuku Mahajan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Chahal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail in FIR No.199 dated 02.11.2018 under Sections 307, 395, 148, 149 IPC, Sections 25 & 27 of Arms Act and Sections 13/3/67 of Punjab Gambling Act, 1867, registered at Police Station Division No.4, Jalandhar, District Jalandhar.

It is worth noticing here that the anticipatory bail applications filed by co-accused of the petitioner namely Manjit Singh @ Bobby and Naresh Devgun was dismissed vide order dated 17.11.2018 passed in CRM-M-50595-2018. Similarly, anticipatory bail application of one another co-accused Rajat Nahar was also dismissed vide order dated 04.02.2019 passed in CRM-M-2363-2019 and the same is reproduced as under: -

“.....As per allegations in the FIR, on receiving an

information that two groups are firing at each other in AC market, the police party reached at the spot and had seen the CCTV footage. Later on, on receiving an information that one group consisting of Manjeet Singh @ Bobby, Naresh Devgun @ Jaikey, Vivek Mahajan @ Kuka Mahajan, Davinder Kumar @ DC, Amit Sabhana, Sahil @ Kela, Kala, Rocky and Panda is gambling and Vivek Mahajan @ Kuka Mahajan is having arms and ammunition and the second group consisting of Sahil @ Masi, Lalli, Janga, Nandu, Nitin Dello and 3-4 other unknown persons, with an intention to grab the amount of gambling, fired bullet shots. Lalli fired at Vivek Mahajan @ Kuka Mahajan with intention to kill him but he escaped. Thereafter, Vivek Mahajan @ Kuka Mahajan opened fire at Sahil, which hit on his knee, therefore, the FIR was registered that both the groups, while gambling, have fired at each other and are in possession of illegal weapons and have caused security threat.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and his name is surfaced on the basis of disclosure statement of co-accused Lalli, who was arrested. It is further submitted that even the injured person has been nominated as an accused.

Learned State counsel, on instructions from SI Lakhwinder Singh, has however opposed the prayer for bail on the ground that it is found during the investigation that both

the groups are indulged in firing incident and some of the accused are history-sheeter and the place of occurrence is shop of co-accused Manjeet Singh @ Bobby, who himself was indulged in illegal activity of gambling at his shop. It is further submitted that presence of the petitioner is clear from CCTV footage and in this footage, the petitioner was seen holding an illegal weapon i.e. country-made pistol and the same is to be recovered from the petitioner, therefore, his custodial interrogation is required.

Learned State counsel has further submitted that anticipatory bail petition filed by co-accused Manjeet Singh @ Bobby and Naresh Devgun was dismissed vide order dated 17.11.2018 passed in CRM-M-50595-2018.

After hearing learned counsel for the parties, I find no merit in the present petition, as it has come in the investigation that the petitioner was seen in the CCTV footage, carrying country-made pistol. In the incident, both the parties fired at each other and one person was injured. Therefore, considering the serious nature of the case and also in view of the fact that recovery of illegal weapons is yet to be effected from the petitioner, I find no ground to grant anticipatory bail to him.

Dismissed.”

Learned counsel for the petitioner has submitted that in the subsequent statement of Sahil @ Masi, it has come that in fact, he had gone

to the place of co-accused in order to take revenge and kill him, when the incident had taken place. However, a perusal of the FIR shows that it is petitioner Vivek Mahajan @ Kuku Mahajan, who had fired gun shot at Sahil @ Masi, which hit on his knee and the petitioner is the main accused, who has caused firearm injury.

Considering the fact that it is a case where both the parties have openly used firearm against each other and the recovery of weapon used by the petitioner, is to be effected and also considering the serious allegations against him, I find no ground to grant anticipatory bail to the petitioner.

In view of the above, the present petition is dismissed.

18.03.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No