

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

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**CRM-M No.15121 of 2019.
Date of Decision: 01.05.2019.**

Narender and others

....Petitioners.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vivek Sheoran, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana
for respondent No.1.

Mr. Lokesh Sharma, Advocate, for respondent No.2.

Shekher Dhawan, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioners in Criminal Complaint No.CIS/COMI-109/2017/524-1 of 2017 dated 26.09.2017/06.12.2017 titled as 'Ajmer Singh vs. Sumit and others' pending in the Court of Judicial Magistrate Ist Class, Hansi, wherein vide order dated 04.12.2018, the petitioners have been summoned to face trial for the offences under Sections 147, 148, 307, 323, 324, 326 read with Section 149 of the Indian Penal Code (for short, 'IPC') and Sections 25, 27 of the Arms Act.

Learned counsel for the petitioners contended that the petitioners have been falsely implicated in this case whereas it is a case of version and cross-version. The respondent's side are accused in a case under

Section 302 IPC and they are behind the bars.

Learned counsel for the petitioners further contended that co-accused Sanjay Kumar and others have been ordered to be released on interim bail by this Court vide order dated 18.03.2019 passed in CRM-M-12549 of 2019 and the present petitioners be also ordered to join the investigation.

Learned State counsel as well as learned counsel for the complainant opposed the prayer for anticipatory bail to the petitioners on the ground that the case of the petitioners is distinguishable from the case of co-accused Sanjay Kumar and others as the present petitioners are the main accused.

Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that the allegations against the petitioners are that on the instigation and provocation of petitioners Bijender and Sumit, Baljeet fired two shots from his gun on the complainant out of which one shot attracted in the abdomen and other on the thigh of the complainant. Accused Sumit also fired shot from his gun. The matter is yet to be investigated, who was the aggressive party because both the parties had sustained injuries in this case and the members on the side of respondent's party are already behind the bars. Moreso, the case of co-accused Sanjay Kumar and others is distinguishable from the case of present petitioners and as such, no case is made out for release of the petitioners on anticipatory bail.

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

(SHEKHER DHAWAN)
JUDGE

01.05.2019

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