

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23675-2019 (O&M)
Date of Decision:- 27.5.2019

Jai Parkash @ Bunty and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Johan Kumar, Advocate, for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioners-Jai Parkash @ Bunty and Devender @ Babli, seek grant of anticipatory bail in respect of a case registered against them vide FIR No.185, dated 10.4.2019, registered at Police Station Sadar, Ballabgarh, District Faridabad, under Sections 148, 149, 323, 452, 307 IPC and Section 25 of Arms Act.
2. At this stage Mr. Rakesh Sobti, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.
3. The FIR was lodged at the instance of Sensorpal, wherein it has been alleged that he along with Zile Singh and Bunty (s/o Zile Singh) had

formed a partnership in a *dhaba* about 2-3 months back but now he does not have any connection with the said *dhaba* and had terminated the partnership. It is alleged that Bunty and his father Zile Singh however, were pressurizing him time and again to carry on with the partnership agreement and the said two had held out threats to shoot him and other members of his family. It is alleged that on 10.4.2019, Zile Singh along with his sons Bunty and Babli, who were accompanied by Labsu and Santeej came to the house of complainant, armed with illegal weapons and 'sticks'. It is alleged that Labsu and Arun started firing repeatedly from their weapons but the complainant managed to escape. However, complainant's son namely Udham was hit by a bullet in his left leg which had been fired by Arun. Another shot fired by Labsu had hit Lakhminder and Mukhtiyari, who had fired more shots hitting the wall. It is alleged that Babli who was carrying a 'stick' gave a blow with the same on the shoulder of the complainant's son Udham. Bunty, is also alleged to have given a blow with a 'stick' on the head of Udham. It is further alleged that Zile Singh also gave a blow with 'stick' to Lakhminder son of the complainant hitting him on his left hand and shoulder.

4. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that even as per the allegations levelled in the FIR, the petitioners were armed with 'sticks' and in these circumstances no offence under Section 307 IPC can be said to be made out.

5. Opposing the petition, learned State counsel, assisted by learned counsel for the complainant, has submitted that in the present case three persons namely Udham, Mrs. Mukhtiyari w/o the complainant and Lakhminder s/o the complainant, had sustained injuries including a fire arm injury sustained by Udham and in these circumstances the intention of the accused who were armed with deadly weapons to commit murder is evident.
6. I have considered rival submissions addressed before this Court and have also perused the MLR in respect of Udham Singh and also the medical record in respect of the other accused. A perusal of the MLR in respect of Udham Singh would indicate that he had sustained four injuries including lacerated wounds on his parietal region, which was found to be bleeding and also a lacerated wound on his leg which was also found to be bleeding. In these circumstances, when it is noticed that the accused had attacked the complainant being armed with fire arm and 'sticks' and had actually caused injuries to three members from the complainant party, no special case for grant of bail is made out.
7. The petition is sans any merit and is hereby dismissed.

May 27, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No