

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

CRM-M-45456-2019 (O&M)

Date of decision: 18.11.2019

Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas P. Singh, Advocate
for the applicant-petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-35575-2019

Allowed as prayed for.

Documents are taken on record.

CRM-M-45456-2019

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 491 dated 09.08.20018, registered under Sections 307, 34, 379-B, 506, 511 of the IPC and Section 25 of the Arms Act, 1959 at Police Station City Bhiwani, District Bhiwani. The first petition was dismissed as withdrawn, vide order dated 25.09.2019 passed in CRM-M-23474-2019.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Ishwar Singh, it is stated that on 07.08.2018, when the complainant was present at his shop, two young persons came there and on the pretext of purchasing some articles, they tried to snatch his bag, which was containing an amount

of Rs. 1,25,000/-. When the complainant protested, one of the boys fired at him with a pistol which hit on his right shoulder. Thereafter, when the complainant raised voice, the accused persons ran away and the complainant was taken to hospital, where he remained under treatment.

Learned counsel for the petitioner further submits that the petitioner, apart from the present FIR, was involved in another FIR No. 520 dated 21.08.2018, under Section 25 of the Arms Act, in which he already stands acquitted.

Learned counsel for the petitioner further submits that the complainant has already appeared before the Court as PW-2 and he has stated that he cannot identify the accused who fired upon him.

In reply, learned State counsel, on instructions from the Investigating Officer, has opposed the prayer of the petitioner and submitted that in fact during investigation of the present case, a pistol was recovered from the petitioner and as he was arrested in the present case, he made a disclosure about another pistol, which was later on recovered and thereafter, the aforesaid FIR No. 520 was registered against him.

Learned counsel for the petitioner further submitted that the present FIR is different from the aforesaid FIR No. 520 and in the Challan/final report of the present case, two sketches of the revolvers, in both the FIRs, are attached.

Learned State counsel further submitted that the complainant, while appearing as PW-2 on 17.09.2019, has identified the petitioner as one of the accused in Court and, thus, after noticing this fact, the first bail application of the petitioner was dismissed as withdrawn and, therefore, there is no change of circumstances.

After hearing learned counsel for the parties, I do not find any ground to grant concession of regular bail to the petitioner, who stands identified by the complainant in Court as one of the accused.

Accordingly, the present petition is hereby dismissed.

18.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No