

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

**Crl. Misc. No.M-49579 of 2019 (O&M)
Date of Decision: December 16, 2019**

Sombir

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Khehar, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.425 dated 22.10.2019 registered for the offences punishable under Sections 307 of Indian Penal Code and 25 of Arms Act, 1959, at Police Station Sadar Rohtak.

Heard.

As per the allegations in the FIR, complainant, who is posted as Security Guard, after casting vote on 21.10.2019 was going towards *Akhara*, when the petitioner confronted him. There was exchange of hot words over the voting but the people standing there, intervened and separated them. Petitioner took out pistol from his trouser and fired at the complainant and the shot hit the calf of his left feet. The occurrence was also witnessed by

father of complainant, who was coming towards place of occurrence. After the occurrence, petitioner fled away from the spot on his scooty.

Learned State counsel submits that arm licence of the petitioner has since been cancelled. There are 5 other cases registered against him including two under the Arms Act. It is not a case where petitioner has used the licensed weapon. Offence is quite serious and grievous in nature, which requires, thorough investigation and custodial interrogation of the petitioner to recover the weapon of offence.

Learned counsel for the petitioner submits that petitioner is being made scapegoat by registering different cases against him for political reasons. In one of the case, allegations against the petitioner were that he had offered to cut the neck of present Prime Minister, if asked by Yashpal Malik in this regard. In that case, petitioner has been allowed regular bail. Similar type of allegations have been levelled against the petitioner in other cases as well in which he has been allowed regular bail. In case petitioner had the intention of murder of complainant, he would not have fired at his leg.

In this case, complainant has suffered fire-arm injury. This contention that in case, petitioner had to murder the complainant, he would have fired at vital part of his body, is not tenable at this stage because the fire-shot may hit at any part of body including the vital part as the person at whom the shot is fired, also tries to protect himself. There are direct allegations against the petitioner making out a prima facie case for the offence punishable under Section 307 IPC. Weapon of offence is yet to be recovered.

Keeping in view the above facts and gravity of the offence, I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

December 16, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***