

213

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

Date of Decision: 14.02.2020

1. CRM-M No.789 of 2020

Kuldeep @ Kala and another

.....Petitioners

Vs

State of Haryana

.....Respondent

2. CRM-M No.4393 of 2020

Anil

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Amit Kunar Jain, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.789 of 2020 titled
Kuldeep @ Kala and another Vs. State of Haryana and CRM-M
No.4393 of 2020 titled Anil Vs. State of Haryana are being
disposed of.

Petitioners seek grant of regular bail under Section 439

Cr.P.C in case bearing FIR No.481 dated 09.10.2019 registered under Sections 147, 148, 149, 307, 427 IPC and Sectionn 25 of the Arms Act at Police Station Safidon, District Jind.

Allegations are that the complainant is a partner in a liquor vend. Accused Anil met the complainant at about 9:00 PM. An amount of Rs.3,60,000/- was due towards Anil from the last year. When the complainant asked about the amount, then he became annoyed and called his brother and 15-50 persons. They came in a car and motorcycles duly armed with dandas. 3-4 persons were having pistols in their hands. Two fires were made in air. Anil fired at the complainant which passed from his side.

In this occurrence, none was injured. Except firing in the air by two persons and by Anil towards the complainant, no other weapon was used. The recovery of firearm has been effected from Anil along with empties from the site. No role has been attributed to the petitioner Kuldeep in the context of giving any injury to the complainant or firing at him.

Learned State counsel on instructions from ASI Raj Kumar states that in this occurrence, though nobody was injured, but firing was done by two unknown persons in air and by Anil towards the complainant and the complainant got himself narrowly saved. Nothing has been recovered from the

petitioners. Petitioner No.2 is having some antecedent behaviour of criminal activities as he was involved in four other cases in the past, though he is on bail in those cases.

The motorcycle is alleged to have been recovered from Kuldeep @ Kala. It is not in dispute that Kuldeep @ Kala is the owner of that motorcycle. So far as Anil is concerned, he has criminal history in the past. He was convicted in one of the cases and was released in the year 2004. Recovery of firearm has been effected from Anil.

Taking into consideration the totality of facts, at the first instance, I deem it appropriate to grant regular bail to Kuldeep @ Kala and Deepak @ Gandhi on their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court. However, prayer for regular bail on behalf of Anil is dismissed at this stage.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

14.02.2020

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No