

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

CRM-M-13886 of 2020

Date of Decision: 29.09.2020

Davender Singh @ Gaggu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Sanjay Mittal, Addl.AG, Haryana.

Mr. G.S. Sidhu, Advocate for the complainant.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.41 dated 17.02.2020 under Sections 148,149,307,323 and 324 IPC and Section 25/54/59 of the Arms Act registered at Police Station Kalanwali, District Sirsa.

As per the contents of the FIR, on 16.02.2020 at about 8.00 p.m, the petitioner along with co-accused had come to the house of complainant and started hurling abuses. The petitioner is alleged to have fired a shot from his pistil which hit on the right hand of the complainant while co-accused inflicted injuries on the head of the complainant with sharp edged weapons besides threatening to kill him.

Learned counsel for the petitioner contends that it is case of version and cross version and that it is the petitioner, who sustained multiple injuries at the hands of the complainant. The complainant has falsely inculpated the petitioner only in order to harass and humiliate in the society. Nothing is to be recovered from the petitioner and that the case has been got booked in connivance with the police.

On the other hand, learned State counsel has opposed the

submissions made by learned counsel for the petitioner stating that the petitioner is not entitled for concession of bail keeping in view the seriousness of offence.

After having heard learned counsel for the parties and examining the grounds raised in the petition, this court is not inclined to grant the relief.

It has come in order dated 24.05.2020 passed by learned Addl. Sessions Judge, Sirsa that the petitioner is also involved in FIR No.86 dated 14.04.2020 under Section 302/34 IPC, P.S Kalanwali and production warrant of the petitioner had been issued to join the investigation. The mere fact that the accused has undergone certain period of incarceration by itself would not entitle the accused to being enlarged on bail as has rightly been observed by the trial Court. The gravity of the offence alleged is severe and the evidentiary value of the statements of witnesses will be determined by the trial court at the appropriate stage. Moreover, from the perusal of FIR, it is apparent that the petitioner has been attributed specific active role. The trial is at a very crucial stage. Therefore, the apprehension of the prosecution that, if released on bail, the petitioner may hamper the trial, cannot be ignored.

Keeping in view the allegations leveled against the petitioner, and considering the gravity of offence, this court is not inclined to grant the relief.

Dismissed.

September 29, 2020
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No