

208

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

CRM-M-19421-2020 (O&M)

Date of decision : 14.09.2020

Gopal

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sukhwinder Singh, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J.

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0074 dated 27.05.2020 under Sections 307, 34, 506 of the Indian Penal Code, 1860 and Sections 25, 54, 59 of the Arms Act, 1959 registered at Police Station Kalka, District Panchkula, Haryana.

In brief, the allegations in the FIR are that the complainant is an employee of Rakesh Kumar, owner of Sh. Ganesh Realty Company, Burj Kotia, Chandimandir, Panchkula since 16.05.2020. On 27.05.2020, when he was sitting in his office at about 2 pm, two youngsters entered the room and one of them, wearing blue jeans and white and black check designed shirt, covered his face with white cloth and his head was covered with yellow coloured small turban and other person was in white coloured shirt. When they entered, the person who was wearing small

turban on the head, took out the pistol from the right side of his trouser with his right hand and told the complainant “*Tum Realty Wale Yahaan Pe nahin Baithoge*” and immediately fired near the leg of the complainant which passed close to his leg and hit the floor and second shot was fired which hit the wooden bed. After giving threats, the boys fled from the spot on their motorcycle.

During investigation, the statements of the witnesses were recorded and two blank cartridges were recovered from the spot. The call recording was produced by the Manager of Ganesh Realty Company in which threatening call had been recorded. Thereafter, on the basis of the investigation and the statements of the witnesses, the petitioner was arrested on 29.05.2020.

Learned counsel for the petitioner has contended that the petitioner was falsely implicated in the case and now the parties have entered into a compromise which has been annexed as Annexure P-3 with the present petition. It has further been contended by learned counsel for the petitioner that a petition titled as “*Gopal V/s State of Haryana*” has been filed in this Court for quashing of the FIR on the basis of the compromise, which is yet to be listed.

Learned counsel for the State has filed a detailed reply by way of an affidavit of Mukesh Kumar, HPS, Assistant Commissioner of Police, Kalka, Panchkula wherein the State has denied any knowledge of a compromise between the parties. It has further been stated in the reply that the petitioner is a habitual offender and has been involved in a number of criminal cases. In most of the cases, the petitioner was acquitted due to a compromise having been entered into between the

parties. Some of the cases are still under trial. It has further been contended by learned counsel for the State that the main accused in the case are yet to be apprehended. The learned State Counsel has further argued that the FIRs which have been filed against the petitioner are for the offences of similar nature and that the petitioner had conspired for murderous assault through hired contract killers.

I have heard learned counsel for the parties.

In the present case, the petitioner was allegedly involved in the conspiracy of attempt to murder through hired contract killers who are still at large. Also, a perusal of the reply clearly reveals that the petitioner is a habitual offender who, after registration of FIRs against him, has been acquitted in some of the cases only on the basis of a compromise having been reached. Even in the present case, though the petitioner has relied upon the compromise having been entered into between the petitioner and the complainant, the State has totally denied any knowledge of the same.

Keeping in view the gravity of the offence, as also in view of the fact that the main accused (the alleged hired contract killers) are still at large, I do not deem this to be a fit case for grant of bail to the petitioner. The present petition is, accordingly, dismissed.

However, any observation made herein shall not be construed as an expression of opinion on the merits of the case.

14.09.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO