

CRM-M-20918-2020

Date of Decision :29.07.2020

Vikash Yadav

....Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 438 of Cr.P.C., is for grant of pre-arrest bail to the petitioner in case FIR No.257 dated 28.09.2019, registered under Section 148, 149, 323, 427, 341, 307 and 506 of Indian Penal Code and Section 25 of the Arms Act 54 of 1959, at Police Station Ateli, District Mahendergarh.

3. Learned counsel contends that it is a case of version and cross-version and that the complainant party attacked the petitioner party and inflicted a gunshot injury on the leg of one person of the accused party. I have considered the submission of learned counsel for the petitioner. As per the FIR, Annexure P/2, registered on 28.09.2019, complainant-Pawan Kumar along with Rantej was going to Narnaul in Bolero vehicle on 27.09.2019, and on reaching Ateli, met his friend Sonu and Shubham alias Monu, who accompanied them in their vehicle to Narnaul. However, at

one Bolero Camper and Scorpio on seeing the vehicle of the complainant directly hit the same while the driver of Ertiga vehicle hit the complainants vehicle from another side, that 10/12 young boys i.e. Vikash (petitioner herein), Sanjay, Naresh, Ghanshyam alias Gharsi, Jitender alias Hitler, Deva, Hawa Singh, Rahul Bhajan, residents of Saidpur, Manoj, resident of Rajpura, Mohal resident of Prithvipura and 4/5 other unknown persons alighted from their vehicles and made the complainant alight from his vehicle, whereafter, the petitioner-Vikash fired a bullet near the knee/ right foot of the complainant, besides, co accused Sanjay also fired a shot near his right knee as also right foot of the complainant. Learned counsel for the petitioner on query clarified that three shots were fired by Vikash and Sanjay on the right foot of the complainant causing injury to the complainant while rest of the accused were carrying iron rods, lathi and danda and the complainant received injuries on the shoulders, hands, feet and waist. Complainants friends, Rantej and Monu tried to save the complainant, but they were also caused injuries with lathi, danda and pistol shots.

4. Another aspect of the matter which has come to the notice of this Court is that the FIR by the petitioner-accused party was registered one day after the FIR was registered by the complainant party. Thus, while FIR by the complainant party was registered on 28.09.2019 cross FIR was registered by the accused party on 29.09.2019.

5. In the light of the specific allegations in the FIR qua gunshot injury inflicted by the petitioner on the complainant as also taking into

account the seriousness of the offence, no ground is made out for grant of pre-arrest bail, as the same would prejudice the investigation.

6. Accordingly, finding no merit in the petition, the same is dismissed.

7. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

July 29, 2020
‘Amit-Rajesh’

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>