

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

CRM-M-21582-2020 (O&M)
Date of Decision:- 13.8.2020

Akshay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bharat Julka, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.1082 dated 26.10.2018 under Sections 307/147/148/149 IPC and Section 25 of Arms Act, 1959 at Police Station Sadar Hisar, District Hisar.
2. The FIR was lodged on the statement of complainant Birbhan who alleged that on 25.10.2018 at about 8.30 p.m., he alongwith Ravi and Kalu @ Ravi was coming to his house from village Gangwa on a motorcycle. Near Hostel, a stout youth had fired three shots upon him, but he escaped. Co-accused Bintu, Rahul, Rajesh, Parveen, Kala and Suraj were also present on the spot of occurrence and they fled from the spot. When the complainant tried to flee away, accused Rajesh, Parveen and Kala came near him and hit him with their motorcycle. In order to save his life, he rushed into the

hostel. Lateron, he came to know that Akshay son of Khema and Arjun son of Sharma were also with them. He telephonically informed his father about the incident, who came to the spot and reported the matter to the police. It is further alleged that on same day, Ajay @ Bittu along with Akshay @ Sardar Khan, Suraj, Rahul @ Arjun, Suraj @ Bachi reached in front of house of Harsh where Sachin son of Him Singh resident of Shashtri Nagar, Hisar was standing and Akshay opened fire upon him but he escaped and the shot hit two other children namely Rohit and Harsh, who were playing there.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the alleged occurrence. It has further been submitted that the co-accused Ajay @ Bittu and Rahul have already been granted bail by this Court vide orders dated 24.1.2020 (Annexure P-2) and 10.2.2020 (Annexure P-3) and that in these circumstances the petitioner also deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that the petitioner cannot claim parity with the co-accused on account of distinct factual position and also on account of his conduct. The learned counsel in this regard has drawn the attention of this Court to the observations of the trial Court in respect of the conduct of the petitioner, as has been recorded in order dated 29.6.2020 (Annexure P-1).
5. I have considered rival submissions addressed before this Court.
6. The petitioner was specifically named in the FIR and was armed with a pistol and had fired at the complainant. Although, the complainant escaped from

being hit by the firearm shot but two children playing nearby namely Rohit and Harsh were injured.

7. Further, the observations of the trial Court, as recorded in order dated 29.6.2020 (Annexure P-1) would reflect on the conduct and psyche of the petitioner which hardly leave any ground of extending benefit of bail to the petitioner. The said observations as recorded in order dated 29.6.2020 read as follows :-

“It is, further, pertinent to mention that a perusal of the case file shows that in the order dated 30.01.2020, it was observed by Ms. Seema Singhal, Learned Additional Sessions Judge, Hisar that the applicant-accused Akshay was having arrogant body language and was constantly staring upon witnesses Deepu, Sachin, Rajiv and Vicky, who were sitting in the court. On the same day, an application was moved by SI Rajinder Kumar, Incharge of Judicial Lock up with the averments that the applicant-accused alongwith his co-accused had tried to get free from police custody and also made threats to the witnesses.”

8. In view of the aforestated discussion especially bearing in mind the role of the petitioner and his conduct as noticed by the trial Court, this Court does not find any case for grant of bail.
9. The petition is sans merit and is hereby dismissed.

13.8.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No