

CRM-M-35860 of 2020

**104IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35860 of 2020
Date of Decision: 04.11.2020

Sanchit Marwaha

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. G.S. Goraya, Advocate, for the petitioner.
Mr. A.K. Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through Video Conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.153 dated 19.03.2020, registered under Sections 307, 120-B/34 IPC and Section 25/54/59 of the Arms Act, 1959 at Police Station Shahabad, District Kurukshetra.

The FIR in question was lodged on a complaint filed by Bhim Sain @ Raju son of Amar Lal as per which on 19.03.2020 at about 6.30 p.m. when the complainant along with one Jasbir @ Jassa son of Banarsi Dass was sitting in his office, three unknown young boys with muffled faces, with the intention of killing the complainant, started indiscriminate firing but they ducked and managed to save themselves. However, due to the firing the windowpanes broke as a result of which the glass which fell from them hit the complainant causing him to bleed. Thereafter the three

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assailants ran away from the spot.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case at the behest of his co-accused and the police and that the only evidence against him is the disclosure statement by his co-accused which is inadmissible in evidence.

The allegations against the petitioner and his two co-accused with regard to them having fired upon the complainant and another person namely Jasbir are serious. As per the prosecution seven empty bullet shells have been recovered from the spot where the alleged occurrence is said to have taken place. CCTV footage also *prima facie* corroborates the version given by the complainant and custodial interrogation of co-accused Gagandeep Singh and Major Singh has already revealed that the third person with them at the time of the occurrence was the petitioner.

In view of the above the petitioner's custodial interrogation is considered necessary.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

November 04, 2020
R.S.

(DEEPAK SIBAL)
JUDGE

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