

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

CRM-M-38123-2020

Date of decision: November 18, 2020

Azad

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K. Handa, Advocate
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.304 dated 7.11.2019 under Sections 307, 201, 34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Israna, District Panipat.

As per the allegations in the FIR, registered at the instance of Ravi, that he, along with one Aman, had gone to the house of petitioner-Azad, where Aman and the petitioner entered into a verbal spat. Thereafter, Azad went up stairs and co-accused Pop @ Raj Balinder slapped Aman. Thereafter, petitioner fired a gunshot which hit Aman. The complainant opened the door and raised an alarm. On that, petitioner chased the complainant. Injured-Aman, while driving the car went to a private hospital himself, where he got the treatment.

Counsel for the petitioner submits that it is not possible that Aman, being injured was able to drive the car. Counsel for the petitioner, has further submitted that even the presence of the complainant is doubtful. He also submitted that co-accused Pop @ Raj Balinder has been granted the concession of interim bail.

Learned State counsel has, however, opposed the prayer on the ground that there is no allegation against Pop @ Raj Balinder as it is noticed in the order dated 28.2.2020 passed in CRM-M-7203-2020 that Raj Balinder, being the brother of the actual assailant, who had fired the gunshot and the only role attributed to him was that he slapped the victim at an earlier stage.

Learned State counsel has further submitted that there are direct allegations against the petitioner that he injured the victim-Aman, while using a firearm, which is yet to be recovered from him and, therefore, his custodial interrogation is required.

After hearing the counsel for the parties; going through the file and keeping in view the allegations against the petitioner, I find that it is not a fit case where the concession of anticipatory bail can be granted to the petitioner.

Dismissed.

However, nothing observed herein shall have any effect on the merits of the case, as this order is limited for the purpose of deciding the present bail application.

November 18, 2020
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No