

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

CRM-M-47579-2019

Date of decision:-23.1.2020

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Baljeet Beniwal, Advocate
for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

Mr.Kunal Dawar, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner -
Sonu – an accused in FIR No.854 dated 3.11.2017, under Sections 148,
149, 307, 387, 506, 440 IPC and Section 25 of Arms Act, registered at
Police Station Mujessar, Faridabad.

Briefly stated, facts of the case as per prosecution story are
that on 3.11.2017 on receipt of information from control room that some
unknown persons had fired shots in Plot No.3, Sector 24, Faridabad, a
police party from Police Station Mujessar, Faridabad led by ASI
Mahender Singh went to the spot, where the complainant Raj Kumar

owner of the plot informed that on the said day at about 10:45/11:00 a.m. while he along with his staff was working in plot in question when 7-8 young persons trespassed in the plot and started firing from revolvers towards the office with an intention to kill him. He and his staff have a miraculous escape. The bullets had hit the wall, car and glasses. The assailants had ran away in a a Swift car and he could provide the CCTV footage. Formal FIR in the matter was recorded. Necessary formalities were carried out. In FIR No.549 of 2017 registered with Police Station NIT Faridabad under Section 25 of the Arms Act, accused Sonu (present petitioner) during the course of interrogation had confessed his involvement in the present incident. Accordingly, he was arrested in this case. From the possession of accused Sonu, a country-made pistol and live cartridge were recovered in FIR No.549 of 2017, which were taken into possession in regards the present case.

The petitioner had moved an application for regular bail but the same was declined by Sessions Judge, Faridabad vide order dated 9.7.2019, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State puts in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

The incident of indiscriminate firing by criminals including the present petitioner on innocent persons cannot be taken lightly. During the investigation of case FIR No.549 of 2017, accused Sonu is said to

have suffered a disclosure statement admitting his involvement in the present case. A country-made pistol and live cartridge had been recovered from the possession of the present petitioner Sonu. Though it is stated that co-accused Satish has been granted benefit of regular bail but then his case was somewhat different inasmuch as Satish was alleged to have been found in possession of Swift car used in the crime, whereas the present petitioner as per the prosecution story was found in possession of country-made pistol and cartridge. Such such type of allegations, I find that it would not be proper and appropriate to grant benefit of regular bail to the petitioner. He is shown to have played an active part in the whole episode. There is every possibility of the petitioner trying to tamper with the prosecution evidence and even to abscond , if released on bail. No case for grant of regular bail is made out.

Finding no merit in the petition, the same stands dismissed.

23.1.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No