

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

**CRM-M No.50255 of 2019**  
Date of decision: 5<sup>th</sup> June, 2020

Rohit

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. R.S. Mamli, Advocate for the petitioner.  
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner accused Rohit who is in custody in case bearing FIR No.199 dated 14.04.2018 under Sections 341, 307, 506, 147, 148, 149, 120-B IPC and Section 25 of the Arms Act pertaining to Police Station City Fatehabad, District Fatehabad, has come up in this second regular bail application under Section 439 Cr.P.C., the earlier one having been dismissed by this Court vide orders dated 02.05.2019.

The allegations have come about by complainant Raghubir Singh father of injured Sonu. The complainant states that on 14.04.2018 around 8.15 a.m. while he was going to his work and saw his son, the victim, coming in front of his school on scooter Activa and when the

child reached near the gate it is alleged that accused Akash was driving a motorcycle on the pillion of which three other boys were sitting and who all were holding country-made pistols. The accused stopped their motorcycle in front of the scooter of the injured and Rohit fired a shot on his head as a consequence of which he fell down. The complainant raised rroula and the accused ran away threatening, next time they will make sure he does not escape.

Learned counsel for the petitioner Mr. R.S. Mamli, Advocate has advanced arguments on behalf of the petitioner at length submitting that there is no evidence to connect the petitioner with commission of the offence and the injury claimed to be on the person of Sonu is non-grievous and has sought to debunk the applicability of provisions of Section 307 IPC. It is further submitted that the petitioner is behind bars for more than two years and in view of this period of incarceration calls for grant of bail.

Learned State counsel has vehemently opposed the bail submitting that it is well specified in the allegations that it was the accused petitioner who came on the motorcycle being driven by Akash on which two more boys were sitting and it was the petitioner who fired a shot at Sonu on the right side of his head. Learned State counsel has placed emphasis on the fact that from the injury on the head, a pellet has been got recovered which matches with the firearm which has been got

recovered from the accused and therefore, in view of the heinousness of the offence calls for dismissal of the bail.

Giving a thoughtful consideration to the submissions of two sides, name of the petitioner clearly figures in the first information report. There are specific allegations that the accused petitioner was armed with a pistol and after stopping the victim had fired a shot on the left side of head of the victim. It is there in the evidence that the pellet recovered from this wound matches with the firearm so used and opined by the experts. The accused by their intentional act as a consequence of their criminal conspiracy, have attacked the injured in front of the school. Thus, in the totality of these circumstances, being a very heinous offence, the fact that it is by providence the injured has escaped death disentitles the petitioner to any relief. Thus finding no merit the present petition stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**June 5, 2020**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No