

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

212

CRM-M-52724 of 2019

Date of decision : 16.01.2020

Amit Chaprana and others

... Petitioners

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present : Mr.Manoj Kumar Sood, Advocate
for the petitioners.

Mr.Ashok Singh Chaudhary,
Addl.A.G., Haryana.

Mr.Gurdas Singh, Advocate for the complainant.

Gurvinder Singh Gill, J. (Oral)

1. Petitioners have approached this Court seeking grant of anticipatory bail in case FIR No.691 dated 13.12.2018 under Sections 148, 149, 323, 506 IPC and Sections 25, 54 and 59 of the Arms Act 1959, registered at Police Station Sector 31, Faridabad.
2. The allegations in nutshell are that Sumit Chaprana fired a shot with his country-made pistol towards the chest of Anil but it was a “misfire”. It is further alleged that when the complainant Sandeep went forward to save Anil and caught hold of Sumit then Sumit's brother namely Amit gave a knife blow on the head of the complainant. It is further alleged that thereafter, Sandeep gave a '*danda*' blow on the nose of Anil. It is also stated that the assailants namely Amit, Sandeep, Sudesh, Lalu, Kartik @ Subhash caused injuries to them with the help of iron rods, sticks and gave fist

- blows and kick blows to them.
3. The Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioners and that even if the contents of the FIR are taken to be correct, still it is a case where it is mainly bailable offences which are alleged to have been committed. It has further been submitted that no offence under Arms Act can be said to be made out as no firearm shot was fired.
 4. Opposing the petition, learned State counsel assisted by the complainant has submitted that since it is a case where as many as 5 injuries were sustained by Sandeep and as many as 3 injuries were sustained by Anil including 1 grievous injury on his nose, no case for grant of anticipatory bail is made out. Learned State counsel has also informed that there are two more cases registered against the petitioners.
 5. I have considered the rival contentions addressed before this Court. Bearing in mind the nature of allegations and also the fact that no firearm injury has been caused and that only one grievous injury was found which would attract offence under Section 325 IPC, in my opinion, it is not a case warranting custodial interrogation.
 6. The petition, as such, is accepted and it is ordered that in the event of their arrest, the petitioners shall be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and

cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. It is clarified that this order shall enure offence under Section 325 IPC as well.

[GURVINDER SINGH GILL]
JUDGE

16.01.2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No