

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

**CRM-M-7087-2021
Date of decision: 02.03.2021**

Ashok alias Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Kamaljeet Dahiya, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 392 dated 24.10.2020, registered under Sections 148, 149, 307, 323, 506 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Jind Sadar, District Jind.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Vinod, he is running a *Dhaba* by the name Bittu *Dhaba* and adjoining to his *Dhaba*, there is another *Dhaba*, namely Natraj *Dhaba*, which is run by the petitioner. It is further stated that on account of the business rivalry petitioner Ashok alias Kala, Aman, Rishi, Rohit and Himanshu and one another person, by holding bricks and stones in their hands suddenly started giving blows to the victim and his workers namely Sanjay, Vikram, Satya Narain and Vasik. It is

further stated in the FIR that Aman and Rishi called Kala and thereafter, fired upon them, however, nobody was injured. It is further submitted that the petitioner is in judicial custody for the last about four months.

Learned counsel for the petitioner further submits that on account of some business rivalry as the petitioner is running a *Dhaba* adjacent to the *Dhaba* of the complainant, the present FIR has been registered.

Learned counsel for the petitioner further submits that it would be a matter of trial whether offence punishable under Section 307 IPC is made out or not.

Learned State counsel, assisted by learned counsel for the complainant, however, opposes the prayer on the ground that as per allegations in the FIR, the petitioner, who is the main accused, along with other accused, started throwing brick bats on the complainant's side and caused injuries to them and even opened fire, though no fire arm injury was received by any person.

Learned State counsel places on record a copy of the disclosure statement of the petitioner, wherein he has stated that he has concealed the pistol in the village and later on, he got the said pistol recovered.

Learned State counsel also files the custody certificate, as per which, the petitioner is involved in three other FIRs under the provisions of NDPS Act, Section 25 of the Arms Act as well as different provisions of IPC like Sections 353, 186, 285, 147, 149, 427, 452, 506.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, considering the serious allegations against the petitioner as well as the fact

that he is involved in some other FIRs, I find no ground to grant him the concession of regular bail.

Accordingly, the present petition is dismissed.

02.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>