

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

CRM-M-11280-2021 (O&M)  
Date of Decision:- 16.3.2021

Malkhan Singh ... Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. P.S.Ahluwalia, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana  
assisted by ASI Ramvir.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.202 dated 26.9.2020 under Sections 147/148/149/307 IPC and Sections 25(1)(1-B)(a)/27(1) (27-B) of Arms Act at Police Station DLF, Phase-1, District Gurugram.
2. The FIR in question was lodged at the instance of Mohit wherein it is alleged that on 25.9.2020, his uncle Rohit informed him and other members of his family that Manoj and other members of his family had restrained him from plying Hyva vehicle in the garbage plant. The complainant and others went to the garbage plant where Manoj, Harender, Rajan, Malkhan (Petitioner), Pawan, Mohender and Lala were found present and upon being asked that why they were restraining the complainant's uncle from plying Hyva vehicle, they started quarreling with the complainant party. It is

alleged that Manoj slapped complainant's uncle Rohit while the remaining of them encircled the complainant and others. It is further alleged that Pawan fired from his pistol at the complainant hitting him on his left arm. It is further stated therein that on account of the shots being fired, they tried to run but Manoj and Pawan fired several shots, though none of the shots hit them.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even as per the FIR, he is not stated to be armed with any weapon and is not attributed any injury. The learned counsel has further submitted that infact the instant FIR is a counter blast to the FIR No.200 dated 25.9.2020, Police Station DLF, Phase-1, District Gurugram, lodged at the instance of Harender, cousin of the petitioner.
4. Opposing the petition, the learned State counsel has submitted that that since 8 accused are specifically named in the FIR including the petitioner, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not stated to be armed with any weapon and is not attributed any injury. Keeping in view the fact that it is a case of cross version, it will be debatable as to which party is the aggressor. In any case, since the petitioner has been behind bars since the last about 1½ months and is not attributed any injury and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose .

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.3.2021

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(Gurvinder Singh Gill)  
Judge

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No