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

(I)

CRM-M-13006-2021

LAXMAN SINGH @ LACHHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

(II)

CRM-M-15426-2021

HARENDER

...Petitioner

Versus

STATE OF HARYANA

...Respondent

Date of Decision: 26.07.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Arjun Atri, Advocate for the petitioner(s).

Mr. Sheenu Sura, DAG, Haryana.
assisted by ASI Deepak.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose off the aforementioned two petitions i.e. CRM-M-13006-2021 filed on behalf of Laxman Singh @ Lacchi and CRM-M-15426-2021 filed on behalf of Harender seeking grant of anticipatory bail in a case registered against them vide FIR No. 202 dated 26.09.2020 at Police Station DLF Phase-I, District Gurugram under Section 148, 149 and 307 IPC and 25(1-B) (a) & 27 (B) of Arms Act.

2. The FIR in question was lodged at the instance of Mohit, wherein it is alleged that on 25.09.2020 his uncle Rohit told him and other members of the family that Manoj had caused obstruction in plying of Hyva

vehicle of the complainant party in the garbage plant. Upon receipt of said information, the complainant alongwith his uncle Rohit, his cousin Birpal and Yogesh went to garbage plant and saw that Hyva vehicle of complainant's uncle Rohit was parked at gate No.2 and Manoj, Harender, Rajan, Malkhan, Pawan, Lacchi, Mahender and Lala were found present there. When the complainant asked them for the reason for obstructing plying of Hyva Vehicle of complainant's uncle, they replied that only the Hyva vehicle belonging to their party will be allowed to ply in the plant. It is alleged that said person also abused the complainant party and when they objected to the same, they made murderous assault upon them. It is alleged that initially Manoj gave a slap to the complainant's uncle and rest of them surrounded them. Manoj and Pawan pointed pistols towards them and when the complainant tried to move back, Pawan fired from his pistol with an intention to kill him which hit on his left arm and the bullet went inside his body. The complainant party tried to run in view of fire arm shots being fired but Manoj and Pawan kept on firing though none of the shots hit him.

3. Learned counsel for the petitioner(s) has submitted that it is a case of cross version inasmuch as another FIR No.200 dated 25.09.2020 was also lodged at the instance of Harender. It has further been submitted that even if the allegations as levelled in the instant FIR are taken to be correct, still it transpires that it is Pawan, who had fired at the complainant and that no specific role is attributed to either of the two petitioners namely Laxman Singh @ Lacchi and Harender .

4. Opposing the petition, learned State counsel has submitted that although it is a case where cross versions are there but apparently it is petitioners' party, which is the aggressor and which had caused fire arm

injuries to the complainant namely Rohit and that the injuries allegedly sustained by Harender and Manoj are in the nature of simple injuries. It has been submitted that since the petitioners were part of an unlawful assembly which made a murderous assault on complainant and others, no special case for grant of anticipatory bail is made out.

5. I have considered the rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case particularly the fact that fire arm injuries have been caused by the co-accused of the present petitioner(s) and the petitioner(s) comprised an unlawful assembly which made a murderous assault upon the complainant, no special case for grant of anticipatory bail is made out. The petitions are sans merit and are hereby dismissed.

7. However, in case the petitioner(s) choose to surrender before the trial Court within 10 days from today and move an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously preferably within a week from filing of such applications.

26.07.2021

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**(GURVINDER SINGH GILL)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No