

Sr.No.122

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

CRM-M-14416-2021(O&M)

Date of decision:06.04.2021

Jai Kishan Verma

... Petitioner

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Deepak Sibal

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Harlove Singh Rajput, Advocate
for the petitioner.
Mr. Rupinder Singh Jhand, Addl.AG, Haryana.
Mr. Shiv Kumar, Advocate
for the complainant.

Deepak Sibal, J.(Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.31, dated 20.02.2021 registered
under Sections 148, 149, 307, 323, 452, 506 IPC & 25, 54, 59 of Arms Act
at Police Station Tigaon, District Faridabad.

Briefly stated, the case of the prosecution is that on 19.02.2021,
the complainant-Sumer Singh Nagar made a complaint to the police that as
a social activist he had filed a complaint against the petitioner; on coming to
know of the complaint, the petitioner trespassed into the complainant's house

and issued death threats to him; on reporting this matter the police arrived at the complainant's house and managed to pacify both the parties; after about one hour on the same day i.e. 19.02.2021, at about 7:30 pm, the petitioner alongwith his two sons and 8/10 other persons, duly armed with weapons, attacked the complainant and his family; Mohit Soni, son of the petitioner, caused a fire arm injury on the complainant's son; Tarun, son of Jaichand, hit the head of the complainant's son Nitin with an iron rod; the petitioner's other son Rohit caused a fire arm injury on the complainant's feet; the petitioner exhorted his co-accused to kill the complainant and his son; the petitioner then caused a fire arm injury on the complainant's thigh; the petitioner's son Mohit Soni then fired and caused a head injury on the complainant; thereafter the petitioner caught hold of the complainant while his co-accused gave a knife injury to him; in the struggle that followed, the complainant, in self defence, caused an injury on the petitioner and after inflicting such injuries the petitioner and his co-accused fled the scene.

Learned Senior counsel appearing for the petitioner contended that the petitioner has been falsely implicated in this case at the behest of the complainant who is inimical towards him; infact the complainant side was the aggressor which had caused injuries on the petitioner including an injury with a knife in his stomach and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel who appears on advance notice submitted that the petitioner is a habitual offender as he has three other criminal cases

pending against him which include cases of fraud and criminal trespass; the petitioner has caused a fire arm injury on the complaint; there is CCTV footage which shows the petitioner duly armed, going towards the complainant's house and that the medical evidence corroborates the complainant's version.

The petitioner's criminal antecedents are not good since, in addition to the present case, he has three other criminal cases pending against him.

In the case in hand there are specific allegations that the petitioner played an active role in giving injuries to the complainant including giving of a fire arm injury to the complainant. Nothing has been shown to this Court that the injuries attributed to the petitioner are not backed by medical record. The State further relies on CCTV footage as per which, before causing the alleged injuries, the petitioner and his co-accused, duly armed, are allegedly seen going towards the complainant's house.

In view of the above discussion the petitioner's custodial interrogation is considered necessary.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

6th April, 2021

Shivani Kaushik

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No