

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-13623-2021 (O&M)

Date of Decision:- 25.10.2021

Ashish @ Bablu

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-22808-2021 (O&M)

Veerpal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pankaj Gupta, Advocate,
for the petitioner in CRM-M-13623-2021.

Mr. Sachin Mittal, Advocate,
for the petitioner in CRM-M-22808-2021.

Mr. Amrik Singh Narwal, DAG, Haryana,
assisted by SI Harbir Singh.

Mr. Arjun Attri, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Ashish @ Bablu and Veerpal, seek grant of regular bail in a case registered vide FIR No. 200, dated 25.9.2020, Police Station DLF Phase-1, Gurugram, under Sections 147, 148, 149, 307, 384 IPC and Sections 25(1-B)(a) and 27(B) of the Arms Act.
2. The FIR was lodged at the instance of Harinder s/o Des Raj wherein it is alleged that his brother Manoj Kumar is plying a vehicle in Bandhwari Garbage Plant, for the purpose of shifting the garbage. On 25.9.2020, at about 8 am, they came to know that Manoj S/o Ghasi (from the opposite side) along with his brother and other accomplices had stopped their vehicle. Upon coming to know about the same, the complainant Harinder along with his brother Manoj went to Bandhwari Garbage Plant, where they saw the accused Manoj, Lalit, Rohit, Yogesh, Veerpal, Avtar @ Monu, Bablu (Ashish) and another relative of Manoj s/o Ghasi and who all were carrying sticks and illegal weapons. When the complainant confronted them as to why they had stopped their vehicle, they retorted that it is only the vehicle belonging to the accused which will run in the garbage plant and that in case the complainant wishes to ply his vehicle there, he would have to pay on weekly basis to them. When the complainant said that they were plying the vehicle as per law, Yogesh and Rohit gave slaps to the complainant and to his brother. Upon the complainant and his brother offering resistance, Lalit and Veerpal

inflicted blows with stick. Thereafter Manoj s/o Ghasi (accused) and Avtar @ Monu exhorted their companions that pistols be used. Upon which Manoj s/o Ghasi, Lalit, Rohit, Yogesh and Veerpal inflicted injuries with their respective weapons. About 10-12 shots were fired at them. The firearm shots which had been fired by Yogesh and Rohit hit the complainant and his brother while the other shots did not hit them. The complainant and his brother upon receipt of gunshot injuries fell on ground and the assailants thereafter fled away from the spot presuming them to be dead.

3. Learned counsel for the petitioners have submitted that it is a case of cross-versions and that another FIR i.e. FIR No. 202, dated 26.9.2020, Police Station DLF Phase-1, Gurugram, under Sections 147, 148, 149, 307 IPC and Sections 25(1-B)(a) and 27-B of the Arms Act, has been lodged in respect of the same occurrence against the opposite side wherein also 8 persons had been arrayed as accused and the said members of the opposite party were also armed with weapons and had fired at the party of the accused. It has further been submitted that in view of the almost identical allegations levelled by both the parties in the cross-cases and the fact that several members of the opposite party have already been granted bail in the cross-case and also in view of the fact that the petitioners have been behind bars since the last about 1 year, the petitioners deserve the concession of bail.
4. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant have submitted that the petitioners

cannot draw any advantage from the fact that some members from the complainant side had been granted bail in the cross-case and that the case of the petitioners has to be weighed in context of the allegations levelled against them in the instant case. It has been submitted that since both the petitioners are specifically named in the FIR and there are specific allegations against them, their complicity is clearly evident. It has further been submitted that since Veerpal happens to be involved in two other cases, it is evident that the accused persons have a criminal bent of mind and that in case released on bail they will misuse the said concession and could even threaten and intimidate the witnesses. Learned State counsel has informed that both the petitioners have been behind bars since the last about one year and that challan already stands presented.

5. As regards the aforesaid submission regarding involvement of Veerpal, learned counsel for the petitioner has clarified that out of the said two FIRs, one FIR already stands quashed by this Court and that in the other FIR the petitioner has not been summoned till date.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that it is a case of cross-versions wherein some of the members of both the parties are alleged to have been armed with fire-arms and are also alleged to have fired, it will certainly be debatable as to which of the party was the aggressor. In any case, both the petitioners till date has been behind bars for a substantial period of more than 1 year. In these circumstances, further detention of the petitioners will not serve any useful purpose.

The petitions, as such are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. A photocopy of this order be placed on the file of each connected case.

25.10.2021
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No