

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

**CRM-M No. 20816 of 2021
Date of decision: 12.10.2021**

Manjeet Singh Petitioner.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sonpreet Singh Brar, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana, for the respondent.

Mr. Keshav Pratap Singh, Advocate, for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 0035 dated 23.02.2021, under Sections 307, 427 read with Section 34 of the Indian Penal Code, 1860, besides Sections 25, 27 and 30 of the Arms Act, 1959, registered at Police Station Bhondsi, District Gurugram .

Learned counsel for the petitioner contends that an altercation took place between the petitioner and the complainant, as on the premises owned by the petitioner construction was going on. A mound of sand, which was lying outside the premises, was displaced by the JCB machine owned by the complainant. The complainant, who was armed with a pistol, was abusing and threatening the petitioner and the co-accused. The petitioner, who is a national level shooter, had fired his .32 bore licenced revolver at the non-vital parts of the body of the complainant which hit on the buttock, left knee and left foot while exercising his right of private defence. The petitioner's

brother, who is co-accused and had been granted anticipatory bail by this Court by order dated 23.08.2021 passed in CRM-M No. 11031 of 2021, had called the police and the weapon belonging to the petitioner and the complainant were handed over to the police by him. The complainant has fully recovered from the injuries. There is no criminal case pending against the petitioner. The petitioner was earlier involved in FIR No. 515 of 2014, under Section 25 of the Arms Act, 1959, registered at Police Station Dawrka, on the allegation of possessing a pistol. However, it was a toy pistol and the petitioner was discharged after proper verification which is also reflected in the order dated 28.04.2021 (Annexure P1) passed by the Additional Sessions Judge, Gurugram, rejecting the petitioner's application for regular bail. He is in custody for over 7½ months and the trial has not made any progress due to Covid-19 pandemic.

Per contra, learned counsel for the complainant, however, contends that the petitioner had fired not one but three shots on the complainant which hit on his buttock, knee and foot and, therefore, it could not be said that the petitioner had acted in self-defence. After the first shot, the complainant had fallen down and the petitioner had fired two more shots. The weapon, which belonged to the father of the complainant, had been taken out from his car by the brother of the petitioner and handed over to the police. The weapon was not with the complainant at the time of occurrence. The phone of the complainant was also snatched.

Learned State counsel, upon instructions from ASI Satish, contends that 'challan' has been filed, but charges are yet to be framed. He also contends that the petitioner does not deserve the concession of regular

bail, especially when the complainant has not been examined by the prosecution.

Heard.

The petitioner is alleged to have fired shots on the non-vital parts of the body of the complainant after the altercation in connection with construction on the premises of the petitioner and the displacement of sand. The complainant has fully recovered from the injuries. The co-accused Jagjit Singh, who is the brother of the petitioner, had called the police and handed over the weapon belonging to the petitioner and the complainant. There is no criminal case pending against the petitioner. He is in custody for over 7½ months. The investigation has been concluded and the 'challan' has been filed, but charges are yet to be framed. The conclusion of trial is likely to take some time due to Covid-19 pandemic. Therefore, I deem it a fit case to grant the concession of regular bail to the petitioner.

Without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

12.10.2021
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No