

107 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-22359-2021

Date of decision-07.06.2021

SUMIT KAPASIYA

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

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**MANOJ BAJAJ, J. (ORAL)**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 0063 dated 27.02.2021 under Sections 148, 149, 323, 341, 307, 506 and 427 of Indian Penal Code, 1860 registered at Police Station Dhauj, District Faridabad.

Learned counsel has argued that though the name of petitioner figures in FIR, who allegedly fired on the victims, but relies upon the affidavit dated 20.05.2021 (Annexure P-2) jointly sworn by victims namely, Naresh, Nishant, Sagar, Kapil and Saket, to contend that his name was wrongly mentioned in the FIR and they have no objection in case, the petitioner is granted anticipatory bail. He further argued that his co-accused namely, Mahender Singh, Girdhari Lal and Anuj have already been granted anticipatory bail by the trial Court.

After hearing learned counsel for the petitioner, this court is of the opinion that as per prosecution, the petitioner was not only present at the

spot, but he later brought his weapon from his vehicle and fired gun shots, resulting into injuries to four persons namely Sagar, Saket, Kapil and Naresh. A perusal of the FIR, police proceedings as well as the particulars of the MLR of the said injured persons indicates that the injuries suffered by the victims were caused by fire arm.

Therefore, considering the nature and seriousness of the offence, the stand of the victims which may amount to compromise is completely misplaced and consequently, affidavit dated 27.02.2021 (Annexure P-2) is not worth acceptance.

Resultantly no case is made out for granting the concession of pre-arrest bail to the petitioner as his custodial interrogation may be necessary.

Dismissed.

**07.06.2021**

*Vipin kumar*

**(MANOJ BAJAJ)**  
**JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No