

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CRM-M-23191-2021

Date of Decision : June 16, 2021

Subhash

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Sheel Verma, Advocate, for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No. 155 dated 14.05.2021, registered under Sections 148, 149, 188, 269, 323, 452, 427, 307, 506 IPC and Section 25-54-59 of Arms Act, at Police Station Hodel, District Palwal.

Learned counsel for the petitioner submits that in the present case, petitioner has wrongly been involved on the basis of false allegations and rather it was the petitioner, who was beaten by the complainant party. Learned counsel further submits that the incident has been recorded in the CCTV Camera of the hospital, which clearly proves that the petitioner is not at fault and as the petitioner is ready to join the investigation and cooperate, he be granted the concession of anticipatory bail.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General,

Haryana, who has joined the proceedings through video conference, keeping in

view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the allegations alleged in the FIR are very serious and as per the allegations, the petitioner alongwith 8 to 10 persons came to the site and the wife of the complainant was fired upon and thereafter shot was fired in the air. Learned State counsel further submits that empty shells have been recovered from the site, which proves that the gun shots were fired and as accused persons are yet to be arrested, grant of anticipatory bail to the petitioner will hamper investigation.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the seriousness of the allegations, where gun shots were also fired upon the wife of the complainant as well as in the air, shells of which have already been recovered during the investigation and also keeping in view the fact that 8 to 10 persons, who had allegedly come alongwith the petitioner, are yet to be arrested, no ground is made out to grant the benefit of anticipatory bail to the petitioner as the custodial interrogation of the petitioner is necessary to find out the firearm and the source of the firearm. Grant of anticipatory bail to the petitioner, at this stage, especially, when the accused persons are yet to be arrested, will hamper the investigation.

With regard to the argument of learned counsel for the petitioner that no specific allegation is there in the FIR with regard to the using of the firearm by the petitioner, the same cannot be accepted as one of the person, who came alongwith the petitioner, fired upon the complainant's wife as well as in the air and the arrest of the petitioner is necessary to find the real culprit behind the incident, who fired upon the complainant's wife and in the air.

The argument raised by the learned counsel for the petitioner that the CCTV Camera Footage proves that petitioner is not at fault, cannot be accepted. Learned Additional Session Judge, Palwal while declining the benefit of anticipatory bail to the petitioner in the order dated 03.06.2021 has recorded finding that after the CCTV Camera Footage provided by the petitioner was viewed, the same was found to be of no value as the same did not give any indication as to who was driving the Car and who was hit by the same and the facts being claimed by the petitioner to his favour are neither clearly visible and nor is proved by the said CCTV Camera Footage.

Learned counsel for the petitioner further submits that the petitioner is a Doctor and cannot indulge in these activities. This argument cannot be accepted as the allegations are specific and the empty shells have been recovered from the site and the petitioner is not disputing the incident or his presence at the site.

In the facts and circumstances of the present case as detailed hereinbefore, no ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

June 16, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No