

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

CRM-M-23682-2021

Date of Decision: 30.06.2021

Ajay @ Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pawan Kumar Hooda, Advocate, for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana, assisted by ASI Yudhvir.

Mr. Sant Lal Barwala, Advocate, for the complainant

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.22 dated 04.01.2021 at Police Station Kharkhoda, District Sonipat under Sections 25/27/54/59 Arms Act, 1959 (Section 180 IPC added later on).
2. The FIR in question was lodged at the instance of Shubham, wherein it is alleged that he is running a hatchery in the village, where he used to go in the morning and used to return in the evening when he used to go to gym together with his friends. It is alleged that on 02.01.2021, Ajay had come to his hatchery for taking eggs, but he had refused to give eggs as there was a huge amount outstanding against aforesaid Ajay. Ajay, however, left while taunting him. In the evening, when he went for exercising in the gym along with his friends Rohit, Vivekanand and Rahul in

their cars bearing registration Nos.HR-12-V-6400 and HR-13-N-0004, they decided to go to the house of Ajay so as to counsel him. When they reached in the street outside the house of Ajay, he was found standing on street. However, when they tried to reason out and counsel him, Ajay got furious and took out a pistol from the right pocket of his pant and fired at him with an intention to kill him and that a bullet hit on his left thigh. Rohit, who was accompanying the complainant, tried to rescue him and snatched the pistol from the hands of Ajay and after snatching the same, fled away from the spot.

3. Learned counsel for the petitioner has submitted that it is a case where a distorted version has been put forth in the FIR, which has been recorded belatedly and in fact the correct version was recorded by the petitioner himself in the FIR, which was lodged at his instance on 02.01.2021 itself. Learned counsel for the petitioner has further submitted that in fact the complainant accompanied by his friends had come outside the house of the petitioner so as to attack him and that it was accidentally that one of the bullets hit their companion itself i.e. Shubham.
4. Learned counsel has further submitted that it remains unexplained as to why the matter was not immediately reported to the police. Learned counsel further submits that the story of snatching of pistol by Rohit from the petitioner Ajay is also unbelievable as the said pistol was handed over to the police on 06.01.2021 which clearly shows that the same was done after concoction so as to falsely implicate the petitioner.

5. Opposing the petition, learned State counsel assisted by counsel for the complainant has submitted that in fact the complainant Shubham was hospitalized on the evening of 02.01.2021 itself and his statement came to be recorded on the next day i.e. 03.01.2021 on the basis of which FIR was formally lodged on 04.01.2021. The learned counsel for the complainant has further submitted that the petitioner stands involved in several other cases and in case released on bail, he is likely to tamper with evidence and to pressurize the witnesses and also the complainant and as such he does not deserve the concession of bail.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case and while noticing the seat of injury which is stated to be on thigh of Shubham and while also noticing that a cross-version has also been recorded in FIR, which was lodged at the instance of petitioner on 02.01.2021 itself, it will certainly be debatable as to which of the version is correct. The petitioner has been behind bars since the last about 6 months and the trial is yet to commence. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.06.2021

VY/Vimal

(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No