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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24236-2021 (O&M)

Date of decision-08.07.2021

Ankur Dalal

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.142 dated 11.05.2021 under Sections 307 and 34 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Badli, District Jhajjar. The petitioner apprehend his arrest at the hands of Police.

The FIR was registered on the statement of Manjeet and the allegations as noticed by the learned Additional Sessions Judge, Jhajjar in the order dated 02.06.2021 are as under:

“In brief, the prosecution case was that on 11.05.2021, at about 12.30 PM, one Ajay along with three persons, who were not known to the complainant, opened gun-fire, at the complainant, with an intention to kill. The companion of Ajay also,

fired a gun-shot while, aiming at him. The complainant had a narrow escape in the incident alleged. Accordingly, FIR was registered on the basis of the complaint lodged under the aforesaid penal provisions of law.”

Learned counsel for the petitioner has argued that as per the allegations, alleged firing was done by co-accused Ajay and Aditya and the petitioner, who was not named in the FIR was indicted subsequently as an accused on the basis of the disclosure statement suffered by the co-accused. He submits that two weapons used in crime have already been recovered from co-accused, therefore, custodial interrogation of the petitioner may not be necessary. He prays for grant of pre-arrest bail.

On the other hand learned State counsel assisted by ASI Narender has opposed the prayer on the ground that the petitioner was arrested in case FIR No.143/2021 registered under Section 25 Arms Act at Police Station Badli, District Jhajjar and during interrogation, one country made pistol was recovered from the petitioner. However, it is not disputed that the alleged firing is attributed to the co-accused as the said incident was captured in CCTV footage also.

Considering the above background, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and

would abide by the conditions enshrined under Section 438(2) Cr.P.C.

The above order shall not be construed as an opinion on the merits of the case.

The petition is allowed.

08.07.2021

vanita

(MANOJ BAJAJ)
JUDGE

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