

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Criminal Misc.-M No.25906 of 2021  
Date of Decision: July 27, 2021

Sahab Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Parveen Kaushik, Advocate,  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Azam Khan, Advocate,  
for the complainant.

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**MANOJ BAJAJ, J.**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.168 dated 03.05.2021, under Sections 307, 506, 34 IPC 1860 and Section 25 Arms Act, 1959, registered at Police Station, Barauda, District Sonipat, who apprehended his arrest at the hands of police.

The contents of the FIR as noticed by the Additional Sessions Judge, Sonipat in para 2 of his order dated 30.06.2021, are as under:-

*“The brief facts of the prosecution case are that on 02.05.2021, the police officials, i.e. ASI Naresh along with police party reached PHC Chidi on getting the information regarding gunshot injury to Sudhir son of Sadhu Ram. After obtaining the opinion of the doctor, he received the complaint of complainant after his discharge from the hospital and it was*

*stated by him that on 02.05.2021 at about 5.30 P.M., he had gone to his village along with Sonu son of Ishwar on his bike on reaching Bhanderi vend. The bike was stopped by Sonu for taking Biri where one motorcycle was standing parked. Two boys were standing there. Out of those boys, one asked the complainant to park his motorcycle in the side. When he objected he stopped him from speaking and fired at him which hit him on his right arm. He ran away towards the village in his self defence. He chased him. Both ran away with their motorcycle on seeing the people. Sahab Singh also administered threat to kill him. His friend Sonu got him hospitalized from where he was referred to PGIMS, Rohtak. Gunshot injury was caused by Satish @ Kuku son of Ranbir Singh and his friend Sahab Singh had threatened to kill him. From the complaint, MLR, offence under Sections 323, 307 IPC and Section 25 of the Arms Act was found out and the investigation was carried out by ASI Naresh. The motorcycle was to be recovered from Sahab Singh and he was to be investigated.”*

Learned counsel for the petitioner has argued that the alleged gun shot was fired by his co-accused Satish @ Kuku and the petitioner being his companion has been falsely implicated. He submits that the said co-accused has already been arrested and considering the nature of the case, the petitioner be granted the concession of anticipatory bail.

The prayer is opposed by the learned State counsel, assisted by ASI Naresh Kumar on the ground that the petitioner and his co-accused for no reason intentionally picked up a quarrel with the victims and a gun shot was fired causing injury to Sudhir. As per status report by way of affidavit of Nikita Khattar, IPS, ASP, Gohana, Sonipat, the petitioner facilitated the escape of his co-accused, who is involved in various other criminal cases.

The petitioner after causing injury to the victim, had threatened the victims

not to disclose the occurrence to any one.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the allegations against the accused persons are serious and the complainant has attributed a specific role to the petitioner as well. As the vehicle used in the crime is yet to be recovered, therefore, the custodial interrogation of the petitioner may be necessary.

Resultantly, without meaning any expression of opinion on the merits of this case, the prayer for grant of anticipatory bail is declined.

The petition is dismissed.

**July 27, 2021**  
**ramesh**

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

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**