

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

258

CRM-M-32897-2021
Decided on 06.09.2021

FAJAR KHAN AND ANOTHERPetitioners

VERSUS

STATE OF HARYANARespondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr.Faruq Abdullah, Advocate, for the petitioners.

Mr.Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail in FIR 0145 dated 07.05.2021 under Sections 148, 149, 323, 452, 506 and 307 (added later on) of IPC, 1860 and Section 25/54/59 of Arms Act, 1959 registered at Police Station: Punhana, District Neh.

The counsel for the petitioner at the very outset does not press this petition qua petitioner No.2 who stands arrested on 25.08.2021 and as such, the present petition is dismissed as withdrawn qua petitioner No.2.

Counsel for the petitioners submits that petitioner No.1-Fajar Khan is aged about 55 years and was not named in the FIR. Though, the parties were known to each other. He further submits that the supplementary statements of the two injured witnesses namely Jaikam and Robin were recorded in which they have attributed to *lathi* blow to the petitioner.

The learned counsel for the State submits that affidavit of DSP, Ferozepur Jhirka, has not disputed the factual position.

It is submitted that since both the victims suffered a gunshot injuries in their chest and were under treatment, their statements under Section 161 Cr.P.C. was recorded after some time and the delay is properly explained. However, it is not disputed that the petitioner No.1 is not attributed to any gunshot injury and it is only that he was a member of unlawful assembly and has inflicted a *lathi*. Learned State counsel however, submits that in fact there is delay of about 6 days only.

After hearing counsel for the parties and considering the facts and circumstances, this petition is allowed subject to the conditions envisaged under Section 438 (2) Cr.P.C. qua petitioner No.1-Fajar Khan.

It will be open for the Investigating Officer to issue a notice in writing to the petitioner No.1-Fajar Khan, to join investigation.

(ARVIND SINGH SANGWAN)
JUDGE

06.09.2021
anil

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