

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.208

CRM-M No.35961 of 2021

Date of Decision: 04th October, 2021.

Daya Ram

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. S.K. Panwar, Advocate,
for the petitioner.

Mr. Vishal Kashyap, Deputy Advocate General, Haryana.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.320 dated 12.07.2019 registered at Police Station Bilaspur, District Gurugram, under Section 307 read with Section 34 IPC and Section 25 of the Arms Act, 1959 (wherein the offences under Sections 148, 149 IPC and 27(1) of the Arms Act are stated to have been added later on), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations levelled in the subject FIR, are that the son of the complainant named Sahil @ Sachin had sustained the fire-arm injuries at the hands of some unknown persons and during the investigation, the co-accused of the petitioner made disclosure statements regarding his (petitioner's) involvement in the alleged crime.

Status-report filed on behalf of the respondent-State, by way of

the affidavit of Assistant Commissioner of Police, Pataudi, Gurugram, is already available on the file and the same is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the FIR and rather, he has been implicated in this case on the basis of the disclosure statements allegedly suffered by his co-accused and moreover, the afore-named injured has sworn the affidavit (Annexure P-5) deposing therein that the petitioner had neither fired shots at him nor was present at the spot and had no role in causing the injuries and in these circumstances, he (petitioner) deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that as per the disclosure statements suffered by his co-accused, the petitioner had also fired gun-shot at the said injured and it being so, the weapon of offence is to be recovered from the petitioner and moreover, he is involved in another criminal case registered at Police Station Sector 9-A, Gurugram, under various offences including the offences under Sections 302 & 307 IPC and therefore, this petition be dismissed.

As regards the contention qua the name of the petitioner having not been mentioned in the FIR, it is pertinent to mention here that in Para 8 of the status-report, it has been deposed that the co-accused of the petitioner had specifically named him (petitioner) as the person who had also fired gun-shots at the above-named victim and it being so, the possibility of the

requirement of the custodial interrogation of the petitioner qua the alleged weapon of offence and for the recovery thereof, cannot be ruled out.

So far as the contention qua the said injured having sworn affidavit Annexure P-5 is concerned, the veracity or truthfulness and weightage of the depositions, as made therein, cannot be considered and ascertained at this stage while deciding the instant petition and rather, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the trial proceedings. To add to it, the petitioner is also involved in one more above-said criminal case as reflected in the *Pairvi* report.

Keeping in view all the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

(MEENAKSHI I. MEHTA)
JUDGE

04.10.2021.
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Whether speaking/reasoned?	Yes
Whether Reportable?	No