

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36571-2021
Date of Decision: 06.09.2021

RAJ KUMAR ALIAS RAJ SEHRAWAT

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Karambir Singh Nalwa, Advocate for the petitioner
Mr.Rahul Mohan, Deputy Advocate General, Haryana
Mr.Ankit Dalal, Advocate for the complainant

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.224 dated 16.08.2021 registered under Section 307 IPC and Section 25(1-B) (a) of Arms Act, 1959 at Police Station New Colony, Gurugram, District Gurugram.

Briefly stated, the case of the prosecution is that the petitioner, who was known to the complainant, on 16.8.2021, at about 2 a.m., came to the complainant's house; he stayed there for 3 hours; neither did the petitioner sleep nor did he let the complainant; with great persuasion, the complainant made the petitioner to leave his house but only after he threatened to shoot him; the complainant then called his friend Varun Kaushik in whose presence the petitioner came with his licenced gun and fired at the complainant; the complainant ran for his life and managed to

save himself by taking shelter in a nearby house and thereafter, the complainant ran to the nearest police station.

Learned counsel for the petitioner submitted that the petitioner, the complainant and one Varun Kaushik, who were friends, were sitting and consuming liquor in the complainant's house from 10.30 pm on 15.8.2021 till 5.00 am of the next morning; on 16.08.2021, at 5 am, the said 3 persons decided to fire from the petitioner's weapon and make a video; for this purpose, the petitioner was sent to his house to get his weapon which he did; the complainant first fired from the weapon which incident was not got videographed; thereafter, the petitioner and the complainant started to argue as to who would fire the second shot; the petitioner then fired a blank cartridge from his gun which was videographed and in the light of the above facts, the story given in the FIR is absolutely false.

Learned State counsel opposes grant of anticipatory bail to the petitioner on the ground that the petitioner is accused of a serious offence of attempt to murder; the petitioner fired at the complainant from his licensed gun after giving him a chase; 4 shodholes of bullets have been found at the spot by the investigating agency; CCTV footage also shows the petitioner chasing the complainant with gun in his hand and then fleeing from the spot on his Activa scooter.

In addition to the above, learned counsel for the complainant submits that ASI Mohan Singh and ASI Sanjiv Kumar, who are known to the petitioner are threatening and pressurizing the complainant to enter into a compromise with the petitioner.

The petitioner is accused of having attempted to murder the complainant by firing upon him from his licensed gun initially in the

complainant's house and then after chasing him in the street outside the complainant's house. This fact finds prima facie corroboration through the CCTV footage produced by the State. In the investigation conducted so far 4 shodholes of bullets have also been recovered from the spot. The petitioner's licensed gun is still to be recovered and matched with the cartridges found at the spot. Further, there are allegations that the petitioner, through his friends/relatives in the police, is threatening and pressurizing the complainant to compromise the matter.

In the light of the above serious allegations against the petitioner coupled with the allegations that the petitioner through his relations/ known police personnel is threatening/ putting pressure on the complainant to compromise the matter, this Court is of the opinion that the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

In the light of the above allegations of threats being given at the behest of the petitioner through police personnel, the investigation of this case will be directly supervised by the concerned Deputy Superintendent of Police.

06.09.2021
gk

(Deepak Sibal)
Judge

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