

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39622-2021 (O&M)

Date of decision: 17.11.2021

Sanjeet

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.326 dated 12.03.2017 under Sections 302, 307, 325, 419, 420, 472, 120-B, 34 IPC and Section 25 of Arms Act (Sections 325, 419, 420, 472 IPC were added and Section 54/59 of Arms Act were deleted later on), registered at Police Station Sadar, District Gurugram.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of one Johny Hans, he received a phone call on his mobile from the petitioner that his brother-in-law Kaushal had gone to meet him and he was called at a floor mill, where he reached in his car. There he met co-accused Amit Dagar and petitioner Sanjeet, who is brother-in-law Subhe Gujar and Ranbir Saini were also there. They sat in car of the

complainant and asked him to accompany him to his house. Later on, petitioner Sanjeet came to his house in another car. When Amit Dagar, Chand and Ranbir Saini were talking to him, he asked his mother to make tea for them. Father of the complainant was also present in another room. In the meantime, Amit Dagar, Chand and Ranbir Saini brought their weapons and Amit Dagar gave gunshot injury to his mother Sudesh and Chand and Ranbir Saini also fired upon the complainant and his father Joginder, with their respective weapons. In the meantime, his mother came from kitchen and all the accused persons gave many gunshot injuries to her. In order to save himself, the complainant jumped from the gallery on the roof of his house. It is further stated in the FIR that enmity is that the complainant was released on interim bail, where he was lodged with one Manjeet Mahal and brother of Kaushal namely Manish has seen the complainant in his company and asked him why he was in the company of aforesaid persons and on that suspicion, they hatched a conspiracy and attacked him.

Learned counsel further submits that there is no allegation that the petitioner has fired any shot on mother of the complainant and only allegation is that he has made a call to the complainant for coming to a floor mill. It is also submitted that now statement of complainant Johny Hans is recorded as PW1, wherein he has specifically stated that petitioner Sanjeet, who is brother-in-law of Kaushal, did not call him to come to floor mill and accused Sanjeet, Amit Dagar, Chand and Ranbir Saini did not come to his house and did not cause gunshot injuries. This witness has been declared hostile and in cross-examination, he even denied the statement Ex.P1 made before the police, which

formed basis for registering the FIR.

Learned counsel has referred to statement of PW2 Joginder, father of the complainant and husband of deceased Sudesh, in which he stated that accused Amit Dagar, Chand and Ranbir Saini did not come to his house and did not cause gunshot injuries to his wife. This witness further stated that his son Johny Hans has no previous enmity with Kaushal, Manish or any other family members of Kaushal. Thereafter, he was declared hostile. When fronted with statement recorded under Section 161 Cr.P.C., he even denied the statement made to the police. It is further submitted that the petitioner is in custody for the last 02 years and in all the three cases, which are reflected in the custody certificate/affidavit of Assistant Commissioner of Police, Sadar, Gurugram, he is on bail.

Learned counsel has made a reference to the order dated 13.08.2021 passed by the Additional Sessions Judge, Gurugram, vide which the petitioner has been granted the concession of regular bail in FIR No.473 dated 16.10.2018 under Sections 307, 387, 506, 120-B, 216, 34 IPC and Section 25 of Arms Act, Police Station Sector-50, Gurugram. Similarly, vide order dated 16.02.2021, the petitioner was granted the concession of regular bail in FIR No.90 dated 23.01.2019 under Sections 302, 34, 120-B IPC and Section 25/54/59 of Arms Act, Police Station Shivaji Nagar, Gurugram and vide order dated 17.02.2021, he was granted regular bail in FIR No.265 dated 14.06.2019 under Sections 307, 605, 212, 120-B IPC and Section 25 of Arms Act, Police Station Bilaspur. It is thus submitted that both the material witnesses have already been examined and there is no possibility of tempering or influencing

any prosecution evidence.

Learned State counsel, on the basis of custody certificate dated 16.11.2021, filed in the Court today, has, however, submitted that the allegations are serious in nature and other accused were absconding and they were arrested from different places, after they were declared proclaimed persons.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that the petitioner is on bail in other cases and both the eyewitnesses have turned hostile, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.11.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No