

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.41113 of 2020

Date of Decision: June 30, 2021

Sunil @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldeep Sheron, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.634 dated 14.12.2019, under Sections 307, 387, 34 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Sadar District Hisar.

The contents of the FIR, as noticed by the Additional Sessions Judge, Hisar in para no.2 of his order dated 25.11.2020, read as under:-

“Per allegations, on 14.12.2019, SI Satbir Singh received intimation that in the cantonment area marked in Mother Departmental Store, there has been a firing. On receipt of this information, police party comprising of HC Jaibir and ESI Rai Singh along with Ct.Salamudeen reached at the spot. Complainant Lalit Mittal presented an application. He stated that he runs the shop of Mother Departmental Store in the Cantt.area market. On 13.12.2019, he alongwith his uncle Shiv Kumar and two other staff members was present at the shop. At about 7:50 PM, three unknown persons came to the shop with muffled faces and called the complainant outside. The

complainant insisted that whatever conversation had to be done, the same must be done in the shop. One of the boys threatened the complainant that if he wants to run his shop, he must give two crores rupees. He refused to pay. The boys threatened to take his life and with intention of kill him fired at him. He quickly moved to the side and saved himself. In the meanwhile, two boys who were standing outside the shop came and started firing upon him. He prayed for appropriate legal action against the above three unknown persons.”

Learned counsel for the petitioner has argued that the petitioner is not named in the FIR and has been falsely implicated. According to him, as the investigation of the case is complete and final report stands filed, therefore, further custody of the petitioner in the above case may not be necessary. He submits that co-accused of the petitioner, namely, Prince has already been released on regular bail. He prays for bail.

On the other hand, learned State counsel, assisted by SI Satbir Singh, has opposed the prayer on the ground that one of the accused was standing outside the shop, whereas the two, including the petitioner, entered the shop and petitioner fired gun shots. He submits that after examining the CCTV footage, co-accused Vikram was arrested and on the basis of investigation, the petitioner was also found to be involved in the crime, who is also involved in six other cases. Learned State counsel submits that the weapon used in the crime have already been recovered from the accused persons and the FSL report also suggests the use of the weapons in the crime.

After hearing the learned counsel for the parties, this court finds that the allegations against the petitioner are serious and he cannot claim parity with the co-accused Prince, who has been released on bail

being juvenile. Apart from it, it has been noticed by the Additional Sessions Judge, Hisar in his order dated 25.11.2020 that the petitioner is involved in six other cases involving heinous offences.

Resultantly, without expressing any opinion on the merits of the case, bail application is dismissed.

June 30, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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