

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRM-M No.44372 of 2020(O&M)

Date of Decision.11.02.2021

(Heard through VC)

Vikas Kumar @ Vicky

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Keshav Pratap Singh, Advocate  
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

None for the complainant.

-. -

**JAISHREE THAKUR J. (ORAL)**

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.236 dated 11.12.2020 under Section 307 IPC and Section 25 of Arms Act, 1959 registered at Police Station Nighdu, District Karnal.

2. Brief facts are, that the complainant had stated that he had gone to attend the marriage of his brother-in-law and was dancing in the marriage party when the petitioner herein namely Vicky collided with him, which resulted in hot exchange of words between them. It is alleged that the petitioner brought out a gun from his pocket and fired upon feet of the complainant, which fire shot hit him on his toes. Thereafter, another gun shot was fired, which surpassed while touching his left knee. It is also alleged that the petitioner herein fired two more gun shots and then fled from the spot. The complainant was given first aid and thereafter, referred to PGIMS, Rohtak and was

remained admitted there. Consequent to the same, instant FIR has been registered.

3. Counsel for the petitioner would contend that the petitioner has been falsely implicated in the aforesaid FIR. It is argued that firing of the gun shots was unintentional and the matter stands compromised between the parties and therefore, prays for grant of anticipatory bail to the petitioner.

4. Learned counsel appearing for the respondent-State would submit that the petitioner herein had injured the complainant by firing gun shots. The complainant had suffered four injuries, which are as under:-

- “1. Lacerated wound over left knee.*
- 2. Reddish blue bruise.*
- 3. Lacerations in thumb of left foot.*
- 4. Lacerated wound of left foot.”*

5. It is also argued that the petitioner herein is absconding and the investigation is not complete nor has the gun used been recovered , therefore, custodial interrogation of the petitioner would be required.

6. I have heard learned counsel for the parties and have taken into account the allegations as made in the FIR against the petitioner.

7. In view of the aforesaid facts and circumstances, wherein the petitioner has been specifically named in the FIR, as the person who deliberately fired a gun and inflicted injuries upon the complainant leaving him injured, no ground is made out for concession of anticipatory bail to the petitioner. The argument raised that the matter has been compromised between the parties would not be relevant at this stage in light of the judgment rendered by the Hon’ble Supreme Court of India in **State of Madhya Pradesh Vs. Laxmi Narayan and others 2019 (2) RCR (Criminal) 255** wherein it has been held that the matter under Section 307 IPC, cannot be compromised pending investigation.

Resultantly, the instant petition stands dismissed. Any observations made

herein are only for the purpose of deciding the bail application, and not to be taken as a decision on merits.

(JAISHREE THAKUR)  
JUDGE

February 11, 2021  
Pankaj\*

Whether speaking/reasoned      Yes/No

Whether reportable                Yes/No