

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-49091-2021
Date of Decision:30.11.2021

Lalit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Deipa Singh, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by SI Harbir.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.200 dated 25.09.2020 at Police Station DLF Phase-I, District Gurugram, under Sections 147/148/149/307/384 IPC and Sections 25(1B)(a) & 27(B) Arms Act.
2. The FIR was lodged at the instance of Harinder s/o Des Raj, wherein it is alleged that his brother Manoj Kumar is plying a vehicle in Bandhwari Garbage Plant, for the purpose of shifting the garbage. On 25.9.2020, at about 8 am, they came to know that Manoj S/o Ghasi (from the opposite side) along with his brother and other accomplices had stopped their vehicle. Upon coming to know about the same, the complainant Harinder along with his brother Manoj went to Bandhwari Garbage Plant, where they saw the accused Manoj, Lalit

(petitioner), Rohit, Yogesh, Veerpal, Avtar @ Monu, Bablu (Ashish) and another relative of Manoj s/o Ghasi and who all were carrying sticks and illegal weapons. When the complainant confronted them as to why they had stopped their vehicle, they retorted that it is only the vehicle belonging to the accused which will run in the garbage plant and that in case the complainant wishes to ply his vehicle there, he would have to pay on weekly basis to them. When the complainant said that they were plying the vehicle as per law, Yogesh and Rohit gave slaps to the complainant and to his brother. Upon the complainant and his brother offering resistance, Lalit (petitioner) and Veerpal inflicted blows with stick. Thereafter Manoj s/o Ghasi (accused) and Avtar @ Monu exhorted their companions that pistols be used. Upon which Manoj s/o Ghasi, Lalit, Rohit, Yogesh and Veerpal inflicted injuries with their respective weapons. About 10-12 shots were fired at them. The firearm shots which had been fired by Yogesh and Rohit hit the complainant and his brother while the other shots did not hit them. The complainant and his brother upon receipt of gunshot injuries fell on ground and the assailants thereafter fled away from the spot presuming them to be dead.

3. Learned counsel for the petitioner has submitted that it is a case of cross-versions and that another FIR i.e. FIR No. 202, dated 26.9.2020, Police Station DLF Phase-1, Gurugram, under Sections 147, 148, 149, 307 IPC and Sections 25(1-B)(a) and 27-B of the Arms Act, has been lodged in respect of the same occurrence against the opposite side, wherein also 8 persons had been arrayed as accused and the said members of the opposite party were also armed with weapons and had fired at the party of the accused. It has further been submitted that in

view of the almost identical allegations levelled by both the parties in the cross-cases and the fact that several members of the opposite party have already been granted bail in the cross-case and also in view of the fact that the petitioner has been behind bars since the last about 1 year and 1 month, the petitioner deserves the concession of bail. It has further been submitted that the role of the petitioner is identical to the role of co-accused Veerpal, who has already been ordered to be released on bail by this Court vide order dated 25.10.2021.

4. On the other hand, learned State counsel has submitted that since the petitioner apart from having inflicted a blow with stick is also alleged to have fired from countrymade arms, no case for grant of bail is made out. Learned State counsel has further submitted that the petitioner is specifically named in the FIR and stands involved in 2 other cases and as such does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 1 month. It has been informed that while challan has been presented but charges are yet to be framed and that as many as 41 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of cross-versions wherein some of the members of both the parties are alleged to have been armed with fire-arms and are also alleged to have fired, it will certainly be debatable as to which of the party was the aggressor. In any case, the petitioner has been behind bars for a substantial period of more than 1 year and 1 month. In these circumstances, further detention of the petitioner will not serve any useful purpose. The

petition, as such, is accepted and the petitioner is ordered to be

released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.11.2021

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No