

201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41383-2019

Date of Decision: 31.08.2021

Jagdish

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Ms. Dimple Jain, Assistant Advocate General, Haryana.

Mr. P.S. Jammu, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 438 (2) Cr.P.C. is filed seeking anticipatory bail in F.I.R. No. 472, dated 26th September, 2018 under Sections 307, 341, 379, 323 read with Section 34 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Urban Estate, District Rohtak.

[3] The F.I.R. was registered on the statement of Sanjeev Yadav. As per contents of the F.I.R., on 26th September, 2018 the complainant was going to Rohtak from Nangloi in his jeep, on reaching near Goel Petrol Pump on Rohtak-Delhi road, one swift car with two persons sitting inside it, intercepted him. One of the accused pulled him from

the Jeep and co-accused Jagdish (petitioner) fired three shots at him. It is alleged that mobile of complainant and key of Jeep were taken away by them. During investigation, three empty shells were recovered from the spot.

[4] The petitioner vide order dated 26th September, 2019 was directed to join investigation. The consistent stand of the State till date is that petitioner is not cooperating and he is not getting the weapon recovered which was used in the incident.

[5] Learned counsel for the petitioner submits that it is a case of false implication. F.I.R. is a counter-blast as wife of the petitioner had lodged an F.I.R. against the complainant and others. He further argues that car number was not mentioned in the F.I.R.

[6] In the F.I.R., there are specific allegations of use of fire arms and empty shells were recovered from the place of incident. In the garb of interim protection, the petitioner instead of cooperating in the investigation, is setting up a new case that no fire arm was used. It is a fit case where custodial interrogation is required.

[7] The interim order is vacated, the petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

31st August, 2021
pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No