

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.11382 of 2022
Date of Decision: 05.04.2022

Sonal @ Sunny Pandit

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Daljeet Singh Virk, Advocate
for the petitioner.

Ms. Ambika Sood, Additional Advocate General, Haryana
for the respondent.

Mr. C.S. Jattana, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J. (ORAL)

By way of this petition, the petitioner has made the second attempt to seek the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.489 dated 16.08.2020 registered at Police Station Sirsa City, District Sirsa, under Sections 148, 149, 307 IPC & Section 25 of the Arms Act. His first bail petition bearing **CRM-M No.45614 of 2021** had been dismissed on 08.02.2022 vide order Annexure P-5, for having been withdrawn.

Shorn and short of unnecessary details, the allegations, as levelled against the petitioner in the present case, are that he, along-with his

co-accused, fired shots at Sonu with intention to kill him but Ajay, who was accompanying said Sonu at that time, sustained injury on his neck.

Status-report has already been filed on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, HQ, Sirsa and the same is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the instant petition and have also perused the record carefully.

Learned counsel for the petitioner contends that no specific role in the alleged occurrence, has been attributed to the petitioner and even otherwise, the complainant has already sworn an affidavit (Annexure P-6) deposing therein that the name of the petitioner had been got mentioned in the FIR due to some mis-understanding and this fact shows that the petitioner had no concern with the alleged crime and therefore, he deserves the relief as prayed for in the present petition.

However, learned State counsel argues that the custodial interrogation of the petitioner is required for the purpose of the recovery of the pistol used in the commission of the crime and even otherwise, the petitioner has been evading his arrest since the registration of the FIR, i.e 16.08.2020 and it being so, this petition be dismissed.

It is worth-while to mention here that on being posed a query during the course of the arguments, learned counsel for the petitioner informs that the proceedings for declaring the petitioner a proclaimed offender/person have already been initiated by the competent Court in the

present case. The name of the petitioner also finds specific mention in the FIR as one of the assailants. As mentioned in Paras No.4, 5 and 7 of the Status-report, the co-accused of the petitioner have specifically disclosed during their interrogation that the petitioner was also carrying a pistol and had fired shots at the time of the alleged occurrence. It being so, the possibility of the requirement of his (petitioner's) custodial interrogation qua the said alleged weapon of the offence and the recovery of the same so as to bring the investigation to a logical end, cannot be ruled out.

As regards the said affidavit (Annexure P-6) claimed to have been sworn by the complainant, the truthfulness and veracity of the version/depositions as put-forth therein, can and shall be looked into and adjudicated upon by the trial Court at the relevant stage after appreciating and evaluating the evidence as may be led on the record during the course of the trial and at this stage, the same does not suffice at all to extend the relief of pre-arrest bail to the petitioner.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

05.04.2022
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Whether speaking/reasoned: *Yes*

Whether Reportable: *No*