

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

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**CRM-M-16164 of 2022(O&M)
Date of decision: 21.07.2022**

Krishan Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Jaspal Singh Pannu, AAG, Haryana

Mr. Santlal Barwala, Advocate
for the complainant.

ANIL KSHETARPAL, J(Oral)

This is the second attempt of the petitioner to get bail during the pendency of trial in a criminal case arising from FIR No.0428, dated 08.09.2018, registered under Section 148/149/302/307/506 IPC and Section 25 of the Indian Arms Act (Challan filed under Section 302/307/506/34/120-B IPC and Section 25 of the Arms Act), at Police Station Tosham, District Bhiwani.

As per the case of the prosecution, the petitioner along with other co-accused came in a car. Krishan Kumar (petitioner herein) and Parveen @ Rinky were having pistols in their hands and all of them started calling Harpal and Chander Pal to come out.

In the meantime, Krishan Kumar fired a bullet towards Chander Pal which hit on his abdomen and then Parveen @ Rinky fired a shot which hit Harpal at his chest. Chander Pal and Harpal fell down and thereafter the accused left the place while waiving their pistols in the air.

Harpal, who is stated to have suffered two bullet injuries, succumbed to injuries, whereas Chander Pal survived the injuries.

The learned counsel representing the State, on instructions from ASI Anand Kumar, Police Station Tosham, District Bhiwani, has submitted that out of 28 total witnesses, 9 prosecution witnesses have already been examined. He further submits that as per the report of the Ballistic Expert, three country made pistols of .315 bore were recovered including W-3 from the petitioner.

The learned counsel representing the petitioner contends that as per the FIR, the petitioner is alleged to have fired and injured Chander Pal, whereas as per the Ballistic Expert's report, bullet fired from W-2 had injured Chander Pal. He submits that W-2 is shown in possession of Parveen @ Rinky.

The first information report, is the first report that is made to the police. The first informant is not expected to have photographic memory, particularly when bullets are being fired. This is a matter of trial. The prosecution evidence is being recorded to know the details of any such crime/occurrence.

Hence, this court is not inclined to grant bail to the petitioner keeping in mind the facts and circumstances of the case.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 21, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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