

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17589-2022
Date of decision : 27.07.2022

Ankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Mr.Anmol Malik, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.39 dated 03.02.2022 registered under Sections 307, 323, 506, 34 IPC and Sections 24/54/59 of the Arms Act, 1959 at Police Station Sadar Safidon, District Jind.

Learned counsel for the petitioner has submitted that a detailed order was passed by a coordinate Bench of this Court on 21.02.2022 in the case of co-accused Parveen Kumar alias Binna and has relied upon the same. The relevant portion of the said order is reproduced hereinbelow:-

“This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 39 dated 3.2.2022 registered under Sections 307, 323, 506, 34 IPC and under Section 25 of Arms Act at Police Station Sadar Safidon, District Jind.

FIR was registered on the complaint of one Sonu, resident of village Jagsi, District Sonapat. He stated that The Sarfabad liquor vend had been taken by Ravinder of his village. On 3.2.2022, at about 8.50 pm, the complainant went to liquor vend. Deepak, brother of Ravinder, was sitting there. At about 8.55 pm,

a black Scorpio vehicle came there. The petitioner alongwith Ankit alighted from the Scorpio. The petitioner fired 3 shots at the complainant while Ankit fired a shot on the complainant with his handheld Doga gun. The petitioner however escaped and the shots hit on the iron container of liquor vend. The petitioner also caused injury on the lips of complainant with the handle of his pistol.

Mr. Ahluwalia, learned counsel for petitioner has contended that the allegations in FIR are totally false. Infact, license for sale of liquor had been granted to Kundu Bhojnalya for the period from 12.6.2021 to 11.6.2022. The petitioner is proprietor of Kundu Bhojnalya. He further states that the averments in the complaint that the brother of complaint was running the Bhojnalya is wholly incorrect. In this regard, he has referred to E-Challan receipt (Annexure P-7) which indicate that the license fee for the sub vend at Faridabad where the occurrence took place had been deposited by Parveen Kumar alias Binna. He further states that the complainant is part of interstate Pahal gang which is involved in various cases of murder, loot, extortion, dacoity and attempt to murder etc in the districts of Jind, Panipat, Rohtak and Sonapat. In this regard, he has referred to news report (Annexure P-9) of Press Conference held by Shri Rahul Sharma, Superintendent of Police, Yamuna Nagar. He further states that petitioner had acted in self defence. From the circumstances, as revealed in the FIR, it is patent that petitioner only intended to protect his life and property. Even as per the allegations in FIR, the shots only hit the container lying in the liquor vend. The petitioner is alleged to have caused injury to the lips of complainant with handle of his pistol. There is no MLR. Offence under Section 307 IPC is not attracted. The petitioner is ready and willing to join investigation and cooperate in same.

Notice of motion for 10.5.2022.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.

*(HARINDER SINGH SIDHU)
JUDGE*

21.2.2022”

case of the petitioner is also on parity with that of abovesaid Parveen Kumar alias Binna. It is further submitted that even the present petitioner was granted interim protection vide order dated 29.04.2022 passed by a coordinate Bench of this Court. The relevant portion of said order is reproduced hereinbelow:-

“Notice of motion.

Mr. R.K. Singla, DAG, Haryana accepts notice on behalf of respondent/State.

Adjourned to 10.05.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.

To be heard alongwith CRM-M-7088-2022.

(HARINDER SINGH SIDHU)
JUDGE

29.04.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation. He has further submitted that the present case is a case of no injury and the matter has been compromised vide compromise dated 24.06.2022 and the petitioner along with co-accused have filed a subsequent petition, i.e. CRM-M-29081-2022 for quashing of the FIR on the basis of compromise.

Learned State counsel has opposed the present petition for anticipatory bail and has submitted that the petitioner has joined investigation but he is not cooperating in the investigation.

Learned counsel for the complainant Sonu, who is appearing in CRM-M-29081-2022 has submitted that the matter has been compromised

and she has no objection if the FIR is quashed.

Keeping in view the above said facts and circumstances and also the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 29.04.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

July 27, 2022
Davinder Kumar

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