

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21251 of 2022 (O&M)

DECIDED ON:18th May, 2022

Sagar Singh

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Hamid Hussan, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition for seeking anticipatory bail in case of FIR No. 229 dated 26.12.2021, under Sections 307, 323, 427, 506 read with Section 34 IPC, 1860, 25 of Arms Act, 1959, registered at Police Station Raipur Rani, District Panchkula.

First petition was filed by the petitioner and four co-accused. Interim anticipatory bail was granted on 10.2.2022. On 21.4.2022, the interim order qua two co-accused was made absolute. Learned State counsel opposed the confirmation of interim bail of the petitioner and Rajeev Bakshi @ Rajeev Kumar on the ground that the fire arm weapon and the *Scorpio* car used in the incident was to be recovered. Learned counsel for the petitioner considering the objection of the learned State counsel did not press the petition.

Brief facts are that complainant Dinesh Rana on 22.12.2021 received a call from son of his uncle that his car had broken down. The complainant went for towing the vehicle. On the way back the dragger got disconnected, Ashish Walia who was driving another car under the influence of liquor started abusing

and scuffling with the complainant party. The car was taken to the mechanic, after some time Mannu Singla, Goldy Kheri, Rajeev Bakshi, Sagar Badana (petitioner) with their accomplices came in *Scorpio* car bearing registration No.HR11K-0025. There was a scuffle and the petitioner fired a shot. The complainant party fled away but the car was damaged by the accused and empty cartridge was recovered from the spot.

The second petition for anticipatory bail is filed stating that matter was compromised on 24.12.2021.

Learned State counsel opposes the prayer and submits that this is second petition filed without therebeing any change in circumstance. In the earlier petition, the adverse order was avoided by not pressing the same when the confirmation of interim anticipatory bail was opposed. She further submits that the petitioner when joined the investigation in pursuance to the order of this Court, had not co-operated for recovery of the weapon and the *Scorpio* Car.

Learned counsel for the petitioner submits that there is change in circumstance, as the weapon used in the incident was recovered from the co-accused.

It would not be out of place to mention that in the petition filed neither there is any pleadings that from the co-accused weapon has been recovered nor there is a document annexed with the petition to substantiate the bald statement made by the learned counsel for petitioner at the time of argument. Even otherwise, the recovery of the *scorpio* vehicle used in the incident is also to be made.

Reliance on the compromise dated 24.12.2021 is of no avail. FIR involves Section 307 IPC and is at the stage of investigation. There was use of a fire arm. The compromise *prima-facie* itself is an indicator that the petitioner is delaying the investigation and is influencing the complainant party. It would not

be appropriate for this Court at the initial stage of investigation to rely upon the compromise for grant of bail. There is another aspect of the matter, the compromise is dated 24.12.2021 and the first petition was dated 1.2.2022, hence, the compromise had been effected earlier to it. It cannot be taken to be as a subsequent development.

No ground is made out for grant of anticipatory bail.

The petition is dismissed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

18th May, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>