

CRM-M-23930-2021 (O&M)

Through video conference
204

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

CRM-M-23930-2021 (O&M).
Decided on: February 24, 2022.

Paramjit

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Vikas Gulia, Advocate,
for the petitioner.**

Mr.Naveen Singh Panwar, DAG, Haryana.

**Mr.A.S.Sheoran, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

CRM-4474-2022

Prayer in the present application is for placing on record
affidavit of the petitioner (Annexure P-5).

For the reasons recorded in the application, the same is

CRM-M-23930-2021 (O&M)

allowed. Affidavit of the petitioner (Annexure P-5) is taken on record subject to all just exceptions.

Main Case

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.165 dated 17.5.2021, under Sections 307, 120-B and 34 of the IPC, 1860, and Section 25 of the Arms Act, 1959, registered at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner has submitted that it is a case where allegations against the petitioner were that he had fired a shot from the firearm towards the complainant who is his father-in-law. He submitted that petitioner is not involved in the present case and it is only because of an old grudge due to some matrimonial dispute and misunderstanding that the present FIR has been registered. He submitted that it is a case of no injury and even the complainant himself has filed an affidavit before this Court vide Annexure P-3 wherein he has stated that his son-in-law namely Paramjit i.e. the present petitioner is not involved in the incident because at that time he was present at Sanjay Gandhi Hospital, Delhi, and his daughter was also present in her house. He submitted that apart from the same even an affidavit has been filed by the petitioner vide Annexure P-5, as per which it has been deposed by the petitioner that he does not possess any firearm whether licensed or unlicensed with him. He submitted that in pursuance of the order passed by this Court dated

CRM-M-23930-2021 (O&M)

9.7.2021, petitioner has joined the investigation and has cooperated in the investigation process and therefore, he may be considered for the grant of anticipatory bail.

On the other hand, learned State counsel has submitted that though the petitioner has joined the investigation but recovery of weapon has not been made as yet.

Learned counsel for the complainant has submitted that affidavit sworn by the complainant vide Annexure P-3 is correct and it is also correct that the petitioner never fired at the complainant and it was only due to some misunderstanding that name of the petitioner has come up in the present FIR.

I have heard the learned counsel for the parties.

In pursuance of the order passed by this Court on 9.7.2021, the petitioner has joined investigation as per the learned State counsel. The only objection taken by the learned State counsel is that weapon has not been recovered as yet. The petitioner has already annexed a copy of the affidavit duly sworn by the complainant (Annexure P-3) in which it is stated that that the petitioner never fired at the complainant and in another affidavit (Annexure P-5), it has been stated by the petitioner that he is not having any licensed or unlicensed weapon or firearm with him.

Learned counsel for the complainant has also verified the correctness of the affidavit (Annexure P-3) executed by the complainant. Furthermore, it is a case of no injury and the petitioner has joined the

investigation. The objection taken by the learned State counsel with regard to the non-recovery of the weapon cannot become a ground for denial of anticipatory bail to the petitioner in view of the facts and circumstances of the present case.

Consequently, the present petition is allowed. Order dated 9.7.2021 vide which the petitioner was directed to join investigation is hereby made absolute. The petitioner will continue to join the investigation as and when required by the police and cooperate with the investigation process.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 24, 2022.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No