

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

CRM-M-28073-2022 (O&M)
Date of Decision:-15.07.2022

SUNIL KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Sanjeev Kumar Panwar, Advocate
for the complainant.

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case having FIR No.194 dated 9.6.2022 registered under Section 308 IPC and Section 25(9) of Arms Act at Police Station Sadar Ballagbargh District Faridabad.

The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Present FIR was registered after about 6 months of the occurrence. The counsel for the petitioner further contends that earlier to the registration of the present FIR the complainant gave in writing on 12.12.2021 that it was a mere accident and he does not want to take action against any person. The counsel for the petitioner further contends that as per the allegations in the FIR on 12.12.2021 during 'Gurchari' ceremony celebratory firing was done and one of the gun fire

accidentally hit the leg of the complainant and he was immediately taken to hospital at Faridabad. The counsel for the petitioner further contends that the petitioner paid the entire medical expenses of the complainant worth more than ₹3 lac. The counsel for the petitioner further contends that proper medical treatment was provided to the complainant but unfortunately the wound did not heal and finally the said leg of the complainant below ankle was amputated and thereafter the family members of the complainant started demanding ₹20 lacs from the petitioner and when petitioner showed his inability to pay such a huge amount, the complainant got registered the present FIR against him, in which he falsely alleged that the gun shot in question was intentionally fired by the present petitioner, when he was asked not to indulge in celebratory firing by the complainant. The counsel for the petitioner further contends that the petitioner is a Govt. servant and is ready to join the investigation.

The present petition is opposed by the State counsel, who submits that at the time of 'Gurchari' ceremony the petitioner did celebratory firing, despite being asked by the complainant and other persons not to do so and one of the said shot hit the complainant injuring his foot and thereafter the complainant remained admitted in the hospital where his injured foot was amputated and due to the same reason the complainant failed to report the matter to the police in time and thus there was delay in lodging of the FIR. The State counsel further submitted that the custodial interrogation of the petitioner is required and recovery of weapon is also to be effected. The State counsel further submits that the present petition deserves to be dismissed.

I have considered rival contentions addressed by counsel for the parties.

As per the allegations in the FIR, one of the celebratory gun shot fired by the petitioner during the ‘*Gurchari*’ ceremony on 12.12.2021, hit the lower limb of complainant-Abhishek and immediately thereafter the complainant was taken to hospital for his treatment and during the said treatment, some portion of his lower limb was amputated by the doctors and as a result of the said amputation the entire life of the complainant has been spoiled. So even if the petitioner has borne some of the medical expenses of the complainant, the same is not going to dilute the gravity of the offence stated to have been committed by him. At this stage, it is not appropriate to express any opinion regarding the delay in lodging of the FIR. The fire arm used by the petitioner at the time of occurrence is yet to be recovered. In these circumstances, this Court is of the view that the custodial interrogation of the petitioner is necessary for the purpose of effective investigation in the present case.

Consequently, the present petition is hereby dismissed being devoid of merits. The pending miscellaneous application(s), if any, also stand disposed of accordingly.

However, any observation made hereinabove is not to be construed as expression of opinion on the merits the case.

(KARAMJIT SINGH)
JUDGE

15.07.2022
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No