

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

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CRM-M-28548-2022(O&M)

Date of decision: 12.07.2022

NANDU @ NAND KISHORE

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ravinder Singh Dull, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.0254 dated 21.05.2022 under Sections 148, 149, 323, 342, 427, 307, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Adarsh Nagar District Faridabad.

Briefly the facts of the case registered on the statement of Mohit S/o Pappu @ Sarvesh Kumar are to the effect that the complainant is owner to the extent of half share of 7.5 bighas of agricultural land. The ownership of the remaining half land is with the uncle of the complainant who used to give the entire land on rent, however, no lease money was given to the father of the complainant. A complaint in this regard was made to the Police, whereupon one Ajit Bhati along with his friends used force, compelling the complainant to enter into a settlement. The complainant himself leased out his land and called Nandu that he is required to give half of the lease money to the tune of Rs.45,000/-. The complainant was called by Nandu, where he caught hold of the complainant and starting giving beatings. One Nitin along with 08-10 persons are stated to have

attacked the complainant and one boy who had a pistol in his hand fired a shot purportedly on the brother of the complainant, however, no injury was sustained by the brother of the complainant.

Learned counsel for the petitioner contends that it is a case of no injury having been caused as a result of the alleged use of the firearm and that even the FIR refers to only simple injury having been caused. Allegations have been blown out of proportion to cause prejudice to the petitioner, whereas the dispute is primarily amongst two brothers regarding their share of revenue from the land that has not been partitioned so far. As a matter of fact, he contends that the nephews of the petitioner had attacked the wife of the petitioner when she was alone at the house and attempted to outrage her modesty. She even sustained an injury in an attempt to save herself. The nephews of the petitioner however went out of the house after taking away gold items and Rs.35,000/- cash lying in the house. On being apprised of the incident, the petitioner made a call on 112, however, no fruitful result came out, as a result whereof a complaint under Section 156(3) CrPC has already been filed by the wife of the petitioner. He alleges that the involvement of the petitioner in the present case is an outcome of the same. He thus, further contended that custodial interrogation of the petitioner is not required as the petitioner is already in judicial custody. The *danda* is stated to have been recovered from the incident, however, there is no attribution against the petitioner of having caused any injury with the use of the *danda*. Besides, the FIR only attracts offence under Section 323 IPC insofar as the injuries are concerned. Section 307 IPC has been attributed solely on account of an allegation of the gunfire shot.

Learned State counsel however submits that the petitioner is involved

in the commission of the offence wherein gunfire shots had been fired against the brother of the complainant with an intention to kill him. He contends that as per the investigation conducted so far, the pistol from which the shot was fired was allegedly held by Vikas @ Rancho. It is also not in dispute that the petitioner is not involved in any other case and that he does not suffer from any criminal antecedents.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the role attributed to the petitioner, period of custody, stage of investigation and failure to attribute any specific injury to the petitioner, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 12, 2022

S.Sharma(syr)

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