

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

CRM-M No. 29732 of 2022

Date of Decision: 04.08.2022

Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Pawan Garg, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arising out of the FIR bearing No.29 dated 15.01.2020 registered at Police Station City Mahendergah, under Sections 307, 452, 506, 120-B read with Section 34 IPC and Section 25 of the Arms Act, 1959, the petitioner has preferred this petition for seeking the relief of pre-arrest bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by complainant-Munmun Devi in the subject FIR, are that on 15.01.2020, she was sweeping the Courtyard of her house and her brother-in-law named Kuldeep was present in the room. In the meantime, Sonu @ Hau and one more person entered into their house and Sonu fired shot at her with an intention to kill her and she sustained injury on her nose and this occurrence had taken place due to the enmity between her said brother-

in-law and Samarjeet @ Mota.

3. Status-report submitted on behalf of the respondent-State, by way of the affidavit of the Additional Superintendent of Police, Mahendergarh, along-with Annexure R-1, is already available on the file and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the said FIR and rather, one Sonu @ Hau has been arraigned as the accused therein and this fact itself shows that the petitioner has been got falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in the present petition.

6. Per contra, learned State counsel argues that in their respective disclosure statements, the co-accused of the petitioner namely Samarjeet @ Mota, Sonu @ Hau and Monu have specifically named the petitioner as one of the assailants who had fired shots at the injured-informant and it being so, this petition be dismissed.

7. Though, the petitioner has not been named as the accused in the FIR but it is pertinent to mention here that in paras No.5, 6 and 8 in the status-report, it has categorically been mentioned that the above-named three co-accused of the petitioner had suffered the disclosure statements mentioning therein the petitioner as one of the assailants who had fired shots at the afore-named injured-informant. Further, in para No.10 therein,

it has also been mentioned that above-said Kuldeep, the eye-witness of the occurrence, has clarified during his statement recorded under Section 161 Cr.P.C that his sister-in-law (Bhabhi), i.e the injured, had mentioned the name of Sonu @ Hau in her complaint as he (Kuldeep) was having enmity with Samarjeet @ Mota and said Sonu @ Hau. The truthfulness and veracity of the said versions can and shall be looked into and adjudicated upon by the trial Court at the relevant stage after appreciating and evaluating the evidence that may be led on the record and the same cannot be ascertained while deciding this petition because the investigation qua the petitioner is still at the nascent stage.

8. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

August 04, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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