

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

CRM-M-36341-2022
Date of decision: 12.09.2022

SunilPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

Ms. Gagandeep Kaur, AAG, Haryana.

NAMIT KUMAR, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.381 dated 07.07.2022 under Sections 148/149/323/506/454/380/307 of IPC and Section 25 of the Arms Act, 1959 registered at Police Station Israna, District Panipat (Anneuxre P-1).

The present case was got registered on the statement of the complainant-Sachin Kumar. The complainant alleged that on 07.07.2022, his father-Jagbir Singh, brother-Arvind Kumar went to grocery shop where they found that the accused/petitioner-Sunil, Sahil and 8 to 10 other persons were taking out some goods from their grocery shop. On receiving information from some unknown villager, he came to know that theft is going on in their shop and he reached his shop. When the complainant and his family members stopped the accused persons, the

present petitioner/accused-Sunil fired a shot from his pistol with an intention to kill them and the accompanied persons attacked them with sticks and swords. His brother-Arvind Kumar has been inflicted with a bullet injury and his father also got many injuries and the complainant was also beaten up by the accused/petitioner with the back side of pistol and with sticks and bamboos by other persons. After giving beatings to them, the accused persons grabbed some goods and money from their shop and ran away in one canter without number plate and a Hyundai make Car bearing No. HR26AT-3541 and therefore, the present matter got registered by the complainant.

The petitioner has approached the Court of learned Additional Sessions Judge, Panipat for grant of anticipatory bail under Section 438 Cr.P.C., however, the same has been dismissed vide judgment/order dated 26.07.2022 and therefore, the petitioner has come up before this Court for grant of pre arrest bail.

On issuance of notice of motion to the State of Haryana on 18.08.2022, the status report dated 25.08.2022 by way of affidavit of Sh. Pardeep Kumar, HPS, Deputy Superintendent of Police, Crime Against Women, Panipat has been filed on behalf of the respondent/State, wherein, it has been stated that after registration of FIR, the investigation was carried out by SI Devender Kumar No.92, who has reached at the place of crime on 07.07.2022 and enquired the matter from the persons found present there and they have also stated about the material facts of the case and recorded their separate statements under Section 161 Cr.P.C. reiterating allegations levelled in the FIR. The rough site-map of the spot was prepared and the place of crime was verified by Inspector/SHO, Police Station Israna, District

Panipat as well as by the Deputy Superintendent of Police, Panipat and after enquiry from the persons found present there, certain directions were issued to SI Devender Kumar to enquire the matter on special points so as to conclude the investigation of the case in an impartial manner by considering the grievances of both the parties from all angles. The place of crime was inspected by the team of FSL and their scene of crime visit report has been annexed as Annexure R-1.

It has further been stated in the status report that injured Arvind Kumar was not found fit for making statement, so the matter was enquired from the injured-Jagbir Singh and he has also levelled specific allegations against the petitioner similar to the version as per FIR. The statement of the injured-Jagbir Singh has been annexed as Annexure R-2.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and there is nothing substantial to connect the petitioner with the commission of the offence and there is no role assigned to the petitioner in the alleged injury, whereas, the complainant was the aggressor party and they had inflicted injuries to the petitioner and also tried to snatch his licensed revolver and at that time, the bullet shot has been fired from his gun.

Per contra, the learned State counsel has argued that there is specific allegations against the petitioner that he fired gun shot injury upon the brother of the complainant and his custodial interrogation is required and still to be arrested and the alleged pistol is yet to be recovered.

After hearing learned counsel for the parties and without commenting anything on the merits of the case, I am of the opinion that in view of the facts and circumstances of the present case, the petitioner is not

entitled for the relief of pre arrest bail as specific allegations have been levelled against the petitioner in the FIR and have been corroborated in the statement of Jagbir Singh, injured, father of the complainant and, therefore, custodial interrogation of the petitioner would be required for proper and effective investigation. Thus, this Court does not inclined to allow the present petition and, thus, the same stands dismissed.

12.09.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No