

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

Criminal Misc. No.M-41830 of 2022(O&M)

Date of Decision: December 19, 2022

Deepak alias Banjar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Ram Avtar Sheoran, Advocate assisted by
Mr.Sushil Sheoran, Advocate for the petitioner.

Mr.Aman Bahri, Addl.AG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.104 dated 09.05.2020 under Sections 147, 148, 149, 307, 452, 506, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Dadri City, District Charkhi Dadri, Haryana.

The FIR was registered on the statement of one Amit, who stated that he is in the business of vehicle transport and his office is situated in the street in front of Dagar Service Station, Near Mahendergarh Chowk. On 08.05.2020 at about 10.30 p.m, he along with his friends Aakash @ Golu, Navdeep @ Golu, Neeraj @ Banti and Sahil, was sitting in his office. When they came outside the office, they noticed 4-5 persons standing in a Fortuner car. Another car was also parked near the road in which 2-3 more persons were present. Persons sitting in the Fortuner vehicle tried to run over the complainant with an intention to kill him but somehow the complainant escaped. He noted the registration number of the car as HR-26 only. Complainant and Navdeep @ Golu in order to save their lives ran

towards their office. Then, Chirag @ Chintu Punjabi, Ravi @ Khotad, Manoj Kasai, Deepak @ Banjad (petitioner) all residents of Charkhi Dadri armed with deadly weapons alighted from the car and started firing at them with an intention to eliminate them but both of them went inside the office. The assailants also entered the office and fired gun shots at them. All other persons present in the office fled the office in order to save their lives. In this incident, the complainant suffered gun shot injuries on his left leg, near knee of right leg and buttocks. Thereafter, all the assailants escaped along with their respective weapons in their cars. The complainant was taken to the Government Hospital, Dadri from where he was referred to PGIMS, Rohtak for treatment.

Learned counsel for the petitioner contends that there is no specific allegation that the petitioner fired at the injured. Co-accused Manjeet, Ravi @ Khottad, Rahul @ Ninku, Parveen @ Preetam, Surender @ Rinju, Pardeep @ Khunda, Lakshay Dawar, Ravinder @ Baniya have already been granted bail. Investigation is already complete and the petitioner has been in custody since 16.07.2020 i.e about more than two years and four months.

In the reply/affidavit dated 11.10.2022 of the Deputy Superintendent of Police, Charkhi Dadri it is stated that the petitioner (Deepak @ Banjar) was arrested on 16.07.2020. During interrogation, he confessed his involvement in the crime and stated that he was having one .32 bore pistol and one 9 MM pistol. Out of these, he handed over .32 bore pistol to Lakshay with 6 cartridges. First, they tried to kill Amit with the vehicle and thereafter when Amit ran towards the room he and Lakshay fired

upon him and entered the room and fired indiscriminately at Amit and thereafter left presuming him to be dead. The magazine of his pistol was left in the room. The petitioner also got recovered his 9 MM pistol.

It is stated that 03 cartridges and 02 bullets were recovered from the office room, and 05 cartridges and a magazine were recovered from outside the room. One bullet was recovered from the body of the complainant. The 9 MM pistol recovered from the petitioner was sent to FSL to match with the bullets recovered. As per the FSL report, the 9MM cartridges/bullets recovered from the scene of crime were fired from the 9 MM pistol recovered from the petitioner. As per MLR, injury No.1 is opined as simple, while injuries No.2 & 3 have been declared 'grievous' in nature and 'dangerous to life'. It is further stated that the petitioner is the main accused, who actively participated in the crime. He is a habitual criminal being involved in six other criminal cases.

Mr.Bahri, Ld. counsel for the State has contended that charges have been framed against the petitioner and other accused. During trial, complainant Amit has been examined as PW1 and he has specifically testified that on 08.05.2002 at about 10.30 PM he was sitting in his office with Akash, Navdeep, Neeraj and Sahil. A Fortuner Car came to his office. The complaint along with Navdeep went outside to have a loom. The driver of the Fortuner (Chirag @ Chintu) attempted to kill him by running the Fortuner over him but he managed to save himself by jumping to the other side. In order to save himself the complainant along with Navdeep went inside the office. The other persons sitting in the office went away in order to save themselves. Chiraj @ Chintu, Deepak @ Banjad, Ravi and Manoj

came out of the Fortuner. They were armed. The petitioner and Chirag @ Chintu followed the complainant into the office. The petitioner and Chirag fired upon the complainant and his companion Navdeep with intent to kill inside the office. The remaining accused kept on firing from outside. The complainant had suffered three gun shot injuries one at the right leg near ankle, second on knee of left leg which passes through the knee and the third at the left hip which also passed through the body.

Mr.Bahri states that there are about 30 witnesses to be examined during trial and release of the petitioner, he being a habitual offender, may cause a threat to the witnesses. His case cannot be equated to that of the other accused who have been granted bail. He and Chirag @ Chintu are the main accused. They followed the complainant and his companion inside the office and fired at them with an intent to kill. The bullets recovered from the scene of crime were proved to have been fired from the pistol recovered from the petitioner.

No doubt the petitioner has been in custody since 16.07.2020, but considering the allegations against him, it does not appear to be a fit case to grant bail at this stage.

Dismissed.

December 19, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No