

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

Criminal Misc. No.M-42722 of 2022(O&M)

Date of Decision: December 19, 2022

Chirag Dudeja @ Chintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Ms. Mehak Sawhney, Advocate for the petitioner.

Mr.Aman Bahri, Addl.AG, Haryana.

Mr.Manoj Kaushik, Advocate for the complainant.

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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 452, 307, 506, 34 IPC and Section 25 of the Arms Act (Sections 120B, 148, 149, 452 IPC added later on), 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 (petitioner), Ravi @ Khotad, Manoj Kasai, Deepak @ Banjad 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 away 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 the petitioner has been falsely involved in the case. It is not probable that about Ten persons open attack on a person with fire arms, enter the office room and then again open fire at the victim, but still he survived with three injuries, out of which one is simple. He has further argued that no specific injury is attributed to the petitioner. The petitioner has been behind bars for the last about 2½ years.

Mr.Bahri, Ld. Additional Advocate General, Haryana assisted by Mr.Kaushik, Ld. counsel for the complainant, while opposing the petition, has contended that the complainant-injured has since been examined as PW1 before the Trial Court. He has specifically stated that the driver of the Fortuner attempted to kill him by running the SUV over him. The vehicle was driven by Chirag @ Chintu (petitioner). The complainant saved himself by jumping on other side. To save themselves, the complainant and one Navdeep ran inside the office. Then, petitioner Chirag @ Chintu along with others, having deadly weapons in their hands, came out of the Fortuner and started firing on the complainant. The

petitioner along with one Deepak @ Banjad followed the complainant in the office and fired at them inside the office with intention to kill them. The complainant sustained three gun shot injuries one at right leg near ankle, second at knee of left leg which passed through the knee and third at left hip which also passed through the body.

Mr. Bahri has 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. 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 a habitual criminal being involved in twelve other criminal cases. In the case about 30 witnesses are to be examined during trial and release of the petitioner, he being a habitual offender, may cause a threat to the witnesses.

In view of the above, considering the active role of the petitioner in the entire incident, first attempting to run over the complainant, and later following him inside the office and firing at him with intention to kill, it does not appear to be a fit case for grant of bail at this stage.

Dismissed.

December 19, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No