

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

CRM-M No.49885 of 2021 (O&M)

Decided on: 07.01.2022

Baljit Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Deepak Vashishth, Advocate
for the complainant.

ARVIND SINGH SANGWAN J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0899 dated 06.11.2021, registered under Sections 120-B, 307, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Barwala, District Hisar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Ram Avtar, it is stated that he was cultivating the fields with a tractor and was coming to his village, when 3-4 boys on a motorcycle from village Badhawar side came and asked him about the petrol pump and when he was informing about the way to them, one boy who was wearing a blanket, came close to him and asked if he has a quarrel with Baljit Sharma (petitioner) and threatened him to face the dire consequences and thereafter, took out a country-made pistol and opened a fire towards his

head. The victim bent himself in order to save him but the bullet passed by touching the left side of his forehead and he had a narrow escape and thereafter, they fled away from the spot on the motorcycle.

Counsel for the petitioner has further submitted that in fact the petitioner has some property dispute and this FIR has been registered just to put pressure on the petitioner. It is further argued that in fact, some settlement was arrived at between the petitioner and the complainant on 27.03.2021, according to which, the petitioner was to execute the sale deed of some land in favour of the complainant but later on, the complainant backed out after taking Rs.32.00 lacs in cash. It is also submitted that the petitioner was not present at the spot and thereafter, he was nominated on the basis of the disclosure statement and therefore, he is entitled for concession of bail.

Reply by way of affidavit of the Investigating Officer is on record and as per the affidavit, after verifying the facts of the FIRs, it is stated that the initial investigation was conducted by ASI Sukhbir Singh and as per the MLR of the victim Ram Avtar, injury No.1 was an abrasion, which was declared simple and injury No.2 was kept under observation. Later on, the co-accused Mukesh, Kuldeep and Sagar were arrested in another FIR No.127 dated 08.11.2021 registered under Sections 398 and 401 IPC and Arms Act at Police Station Sidhmukh, Rajasthan and during the investigation, they made a disclosure about the commission of offence in the FIR No.690 of 2021. Later on, the investigation was transferred to Special Staff Hisar for further investigation and the aforesaid accused were taken on production warrants and joined the investigation in the present FIR. The accused

Mukesh made a disclosure that he came in contact with Sajjan in Bikaner Jail, who asked him to murder Sujender Malik, a Wine Contractor and further asked him to contact the petitioner Baljeet Sharma for committing murder of the complainant Ram Avtar. Upon which, they had fired upon Sujender Malik on 03.11.2021. In the disclosure of Sajjan @ Kala, it has come that about 02 months ago, Baljit met him in Bikaner Jail and told him about his enmity with Ram Avtar and Sonu Sharma and asked him to murder Ram Avtar. He told Baljit to contact Rohit @ Patwari, Pardeep Punia, Mukesh @ Monu, Kuldeep and Sagar and they will commit murder of Ram Avtar after committing murder of Sujender Malik and in that process, a conspiracy was hatched and the petitioner actively participated in the said conspiracy, however, Ram Avtar luckily saved. The affidavit further gave the detail of the investigation of the present FIR No.899 in which the accused were taken in custody. It is further stated that the petitioner Ram Avtar was also involved in FIR No.129 dated 30.03.2008 registered under Sections 323, 324, 506, 34 IPC at Police Station Barwala, in which he was acquitted.

It is worth noticing that subsequently, the Deputy Superintendent of Police, Law & Order, Hisar, in compliance of the order dated 07.12.2021 filed another affidavit giving details of the pending FIRs against the petitioner and in the affidavit of the DSP, apart from giving reference in FIR No.128, the petitioner is found involved in FIR No.690 dated 03.11.2021 registered under Sections 360, 285, 120-B, 34 IPC and 25 of the Arms Act at Police Station Azad Nagar, Hisar.

Counsel for the complainant has also vehemently argued that the petitioner, who is in contact with contract killers has hired them to commit the murder of victim/complainant Ram Avtar, however, he survived.

After hearing the counsel for the parties and looking into the serious allegations against the petitioner, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

07.01.2022
yakub

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