

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54312-2021 (O&M)
Date of Decision:- 27.5.2022

Pawan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.P.Jangu, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Deepak.

Ms. Mehak Sewhney, Advocate for
Dr. Deipa Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.202 dated 26.09.2020 under Section 148/149/307 IPC and Section 27(1) of the Arms Act (challan was presented u/s 148/149/307/25 (1-B)(a)/27(1) of Arms Act) at Police Station DLF Phase-I, District Gurugram, Haryana.
2. The FIR in question was lodged at the instance of Mohit, wherein it is alleged that on 25.09.2020, his uncle Rohit informed him and other members of his family that Manoj and other members of his family had restrained him from plying Hyva vehicle in the garbage plant.

The complainant and others went to the garbage plant where Manoj, Harender, Rajan, Malkhan, Pawan, Mohender and Lala were found present and upon being asked that why they were restraining the complainant's uncle from plying Hyva vehicle, they started quarreling with the complainant party. It is alleged that Manoj slapped complainant's uncle Rohit while the remaining of them encircled the complainant and others. It is further alleged that Pawan fired from his pistol at the complainant hitting him on his left arm. It is further stated therein that on account of the shots being fired, they tried to run but Manoj and Pawan fired several shots, though none of the shots hit them.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and others, which is in fact a counter blast to the FIR lodged against the complainant party i.e. FIR No.200 dated 25.09.2020 under Section 147/148/149/307/384 IPC and Section 25(1-B)(a)/27(B) of the Arms Act, 1959 at Police Station DLF Phase-I, District Gurugram, Haryana, wherein the co-accused Manoj and his brother sustained as many as six injuries including three firearm injuries. Learned counsel for the petitioner also submits that co-accused of petitioner namely Manoj, Malkhan Singh and Mahender have already been granted regular bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also alleged to have fired shots, no case for grant of bail is made out. Learned counsel has however, informed that the petitioner has been behind

bars since the last more than 2 years and he is not involved in any other case. It has also been informed that none out of the cited 21 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner and one Manoj are stated to have fired several shots, and the shot fired by the petitioner had hit the complainant on his left arm. It is not in dispute that the challan already stand filed and that the petitioner as on date has been behind bars since the last more than 2 years. It is also not disputed that the cross-version was also recorded vide FIR No.200 dated 25.09.2020, which was lodged at the instance of Harender, wherein some persons from side of accused were injured. The petitioner is not stated to be involved in any other case and some of the co-accused of petitioner have already been granted the concession of regular bail. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.5.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No