

CRM-M-218-2023
Decided on : 20.03.2023

..... Petitioner

..... Respondent

Mr. Rajesh Lamba, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

Learned counsel for the petitioner submits that in compliance of order dated 06.01.2023, the petitioner has joined the investigation and cooperated with the investigating agency.

Learned State counsel however, on instructions from ASI Sube Singh, has disputed the submissions made by counsel opposite qua the petitioner having cooperated with the investigating agency and has rather submitted that the

submissions made on the last date of hearing by the learned counsel that no specific injury or role was attributed to the petitioner was factually incorrect. Learned State counsel has argued that as many as 16 persons were injured in the occurrence in question. The petitioner fired with his fire arm on the chest of one Fajaruddin. Said Fajaruddin was immediately removed to the hospital and was unfit to make a statement. After Fajaruddin was declared fit, he made a statement under Section 161 Cr.PC on 22.12.2022 wherein he categorically alleged that it was the petitioner, who had fired at his chest. Learned State counsel has further submitted that in the aforementioned circumstances, the alleged delay in naming the petitioner while reporting the crime to the police is inconsequential. Learned State counsel has prayed for dismissal of the instant petition as the custodial interrogation of the petitioner is required in the case in hand.

Heard learned counsel for the parties and perused the relevant material available on record.

Prima facie, there are serious allegations levelled against the petitioner, who along with other accused attacked the complainant party and polling staff with country made pistols, while polling for the election of the Sarpanch was underway. As a result of the attack, many persons received injuries. The petitioner has been attributed a specific fire arm injury on the chest of one Fajaruddin, in the occurrence in question. The factum of the petitioner having caused the fire arm injury on Fajaruddin came to the fore after the former was declared fit to make a statement. It may be noticed here that this Court had granted interim bail to the petitioner solely on the ground that no specific role had been attributed to him in the occurrence in question, which fact was neither

mentioned in the petition nor disclosed by the learned counsel for the petitioner, and has only now been brought to the notice by the learned State counsel.

In the above facts and circumstances, this Court does not deem it fit to make the interim order dated 06.01.2023 absolute. The present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

20.03.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No