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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-810-2023 (O&M)
DECIDED ON: 02.03.2023

RAVINDER SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Jatin Sehgal, and Mr. R.D. Gupta, Advocates
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Rakesh Nehra, Sr. Advocate with
Mr. Abhimanyu Singh, Advocate &
Mr. Ankit Yadav, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

CRM-8916-2023

This is an application under Section 482 of Cr.P.C., for placing
on record Medical reports of the petitioner (Annexures P-18 & P-19) and
exemption from filing certified copies of Annexures.

In view of the averments made in the application, the same is
allowed.

Annexures P-18 & P-19 are taken on record with just exceptions.

CRM-M-810-2023

This is a petition seeking bail in FIR No.386, dated 13.12.2022,
under Sections 147, 148, 149, 307, 323, 452 of IPC, 1860 and Section 25(i-B)
(a) of Arms Act, 1959, registered at Police Station Rajendra Park, Gurugram.

Status report by way of an affidavit dated 22.02.2023 of Preet Pal, HPS, Assistant Commissioner of Police, Crime-1, Gurugram has been filed on behalf of respondent-State, which is taken on record.

Learned Sr. counsel appearing on behalf of the petitioner vehemently contends that the whole story is concocted and the respondent-complainant's conduct is to be looked into, who is actually a habitual land grabber and involved in various other cases i.e., (i) FIR No. 6 dated 08.01.2023, under Sections 25 of Arms Act, 1959 and Sections 34, 427, 458, 506 of IPC, 1860, registered at Police Station Rajendra, Gurugram, (ii) FIR No. 0372 dated 25.10.2017, under Sections 147, 149, 323, 427, 447, 506 of IPC, 1860, registered at Police Station Rajendra, Gurugram, (iii) FIR No. 343 dated 10.09.2021, under Sections 147, 149, 186 and 283 of IPC, 1860, registered at Police Station Rajendra, Gurugram, (iv) FIR No.291 dated 10.09.2021, under Sections 427, 448, 506 of IPC, 1860, registered at Police Station Rajendra, Gurugram and (v) FIR No. 297 dated 15.09.2022, under Sections 420, 120-B of IPC, 1860, registered at Police Station Rajendra, Gurugram. He has also produced a copy of medical report dated 13.12.2021 with regard to examination of complainant, namely, Jai Prakash wherein at Sr. No.4, a gunshot over upper abdomen has been mentioned without any dimensions to the nature of injury and further, no opinion with regard to the nature of injury has been referred to therein.

Learned Sr. counsel appearing on behalf of the complainant states that gun fire-shot, whatsoever has been attributed to another accused Inder and only Sahil, another co-accused was apprehended at the spot. He has no explanation to the gunshot injury, as to what kind of examination has been mentioned in the MLR in which he raises doubt over the story of prosecution,

itself particularly in the light of the fact that the fire arm as per the Investigating Officer was handed over by the complainant to him and was not recovered from any of the accused persons, named in the instant FIR.

Learned Sr. counsel appearing on behalf of the petitioner, at this stage, also refers to arbitration proceedings attached to the petition as Annexure P-10 which have been initiated by the complainant alone wherein the present petitioner is arrayed as respondent No.2 alongwith an application under Section 11(5) (6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator showing that the petitioner is in possession of a piece of land purchased from the complainant itself. He has strengthened his argument on the basis of an admitted fact that the complainant intends to grab the adjoining land of the petitioner and as a result thereof, due to rivalry and enmity, the instant FIR has been lodged against the petitioner.

Learned Sr. counsel for the complainant submits that in fact no such effort was made on behalf of the complainant who was, at the time of occurrence, in his own office situated on his own land and no such damage over the land of the petitioner, was ever made. It is, in fact, the petitioner alongwith other co-accused persons who entered in the office of the complainant and created ruckus and due to gun-fire, three persons are alleged to have been injured. He also asserts that the whole story is recorded in the CCTV camera installed in his office and recording of DVR is in the possession of the Investigating Officer.

Considering the aforesaid facts and submissions made by the learned Sr. counsel for the respective parties as well as by learned State counsel, this Court prima facie is of the view that looking at the MLR, the fire arm injury as alleged seems to be doubtful having no dimensions, whatsoever

apart from the fact that there is already a dispute for execution of an agreement wherein termination of an agreement pertaining to a land which the petitioner sold and the complainant purchased wherein difference between them remains with regard to the payment of amount and in that regard proceedings before the Arbitrator are also pending.

In the light of the aforesaid facts and discussions made hereinabove, the petitioner who has not been attributed any overt act, subsequently on perusal of the FIR and the submissions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.03.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No