

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.205

Case No. : CRM-M-6609-2023

Date of Decision : March 03, 2023

Manoj @ Mannu

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Deepkaran Dalal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.602 dated 06.10.2021, under Sections 148, 149, 307, 506 IPC and Section 25 of the Arms Act, 1959 (Section 379-B added during investigation), registered at Police Station City Palwal, District Palwal.

Pursuant to order dated 09.02.2023, passed by this Court, Status Report by way of affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, Palwal, on behalf of respondent-State, has been filed in Court today, which is ordered to be taken on record.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The injuries are attributed to the co-accused Rajat @ Shalu, who was a pillion rider on the motor-cycle of co-

accused Harish and both of them admitted during investigation that Rajat @ Shalu had fired 5-6 shots at the victim and his father (the complainant), out of which 2-3 shots hit the victim. The country-made pistol, five live cartridges and the motor-cycle used in the crime had already been recovered at the behest of Rajat @ Shalu and Harish. The said fact is also evident from the challan submitted against the other co-accused (Annexure P-2). Learned counsel further submits that the petitioner did not even participate in the alleged occurrence. He was implicated on the basis of previous enmity as earlier, there was altercation between both the parties and a complaint was lodged by Rohit against co-accused Deshraj @ Chunni Lal, who has also been named in the present FIR and has been granted anticipatory bail by a Co-ordinate Bench of this Court in **CRM-M-232-2022** titled **Deshraj @ Chunni Lal vs. State of Haryana**, decided on 07.04.2022 (Annexure P-3).

Learned State counsel has opposed the bail petition on the ground that the petitioner was named in the FIR and the CCTV footage collected during investigation shows the petitioner repeatedly firing at the injured while on motor-cycle with co-accused Harish. The petitioner actively participated in the crime and fired at the complainant party but shot fired by him did not hit them. The petitioner does not deserve the concession of anticipatory bail.

Heard.

The case in question was registered on the statement of complainant – Prem Chand, who is father of victim Sanjay. As per the

allegations, when he and his son Sanjay was sitting on the shop, all the accused, armed with country-made pistol, fired a shot hitting at the back of Sanjay and another shot hit on the thigh of Sanjay. The petitioner also fired a shot which got missed. From the spot, five empty cartridges and one fired bullet were recovered.

As per the Status Report, the petitioner fired straight at the complainant party. The CCTV footage collected during the investigation clearly shows the petitioner firing at the injured party while on motor-cycle with co-accused Harish.

In view of the above, the allegations against the petitioner are quite serious. The act of the petitioner is very daring. A person sitting at the shop is given injuries and the petitioner along with others, after committing the crime, fled away from the spot. The act was so terrorizing that no one dared to intervene. The co-accused have been granted bail as they were not armed with fire-arm and no specific act had been attributed to them but that is not so in the case of the petitioner. The custodial interrogation of the petitioner is required to unearth the truth. When a person is equipped with order of anticipatory bail, then interrogation becomes a mere ritual. It is high time to deal such persons with heavy hand.

Accordingly, keeping in view the gravity of the offence and the fact that granting concession of anticipatory bail to the petitioner may hamper the investigation, no ground for grant of anticipatory bail is made out.

Dismissed.

However, nothing contained herein above shall be construed as
an expression of opinion on the merits of the case.

March 03, 2023
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>