

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-02.03.2023

CRM-M-23326-2022

Umesh.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

AND

CRM-M-47535-2022

Deepak @ Danny.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rishav Jain, Advocate for the Petitioner
(in CRM-M-23326-2022).

Mr. Baljeet Beniwal, Advocate for the Petitioner
(in CRM-M-47535-2022).

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

Mr. Anmol Pratap Singh Mann, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same

FIR.

The Prayer in these petitions under Section 439 Cr.PC is for the grant of regular bail in case FIR No.015 dated 13.02.2021 under Sections 25 of the Arms Act and Sections 148, 149, 307 IPC registered at Police Station Hassanpur, District Palwal.

2. The present FIR came to be registered at the instance of Zile Singh who stated that on 10.02.2021 Mohit son of Prahlad, Deepak @ Danny (petitioner in CRM-M-47535-2022) son of Babu, Umesh (petitioner in CRM-M-23326-2022) son of Harbir, Bahadur son of Vijan and Bhola son of Raju altogether in connivance with each other to kill his (complainant's) brother Mahinder shot him in the stomach. Mahinder Singh was admitted to Sarvodaya Hospital, Faridabad and still fighting for his life. The above accused had shot Ajay son of Samay about 03 years prior to the present occurrence and FIR No.211 of 2018 was registered at P.S. Hassanpur in which he (complainant) and his brother Mahinder (present injured) were witnesses. The above accused had threatened them (complainant and his brother) not to give evidence. Therefore, on a refusal on 16.09.2020 Deepak @ Danny along with other accused in connivance with each other had tried to kill his (complainant's) brother Ghanshyam by shooting at his stomach. Ghanshyam was still unwell and in this regard FIR No.192 dated 16.09.2020 came to be registered at P.S. Hassanpur in which the accused were evading their arrest. On 22.02.2021 he (complainant) and his brother had to appear in FIR No.211/2018 to depose against the accused and in order to prevent them (complainant party) from deposing, Mohit, Danny @ Deepak, Umesh, Bahadur and Bhola shot at his (complainant's) brother Mahinder in the stomach. Legal action was sought against them.

3. The Counsel for the petitioner-Umesh contends that Mohit son

of Prahlad had fired a gunshot at Mahinder. Mohit has since been murdered by the present complainant who is now facing trial in the said case. In fact petitioner-Umesh was not present in the village on the day of the occurrence and had gone to Madhya Pradesh. Reference is made to receipts issued by the hotel. Complainant Zile Singh had appeared as PW-2 and had not supported the prosecution case. Since the petitioner was in custody since 12.07.2021 and only some of the witnesses had been examined so far he was entitled to the grant of bail.

4. The Counsel for the petitioner-Deepak @ Danny contends that there is a delay in registration of the FIR which falsifies the prosecution version. The statement of the injured Mahinder was recorded on 23.03.2021 after a delay of 1 month and 12 days from the alleged occurrence. In fact, the complainant was not an eye witness to the occurrence and all the accused including the petitioner have been falsely implicated. Since the petitioner was in custody since 3.4.2021 and the trial had not made sufficient progress, he was entitled to the grant of bail.

5. The Counsel for the State with respect to the contentions raised by the petitioner-Umesh contends that he is a habitual offender with multiple FIRs registered against him. The FIRs have been referred to in para 15 of the petition. The manner in which the occurrence took place and the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail.

6. With respect to the contentions raised by petitioner-Deepak @ Danny he contends that petitioner is a habitual offender with multiple FIRs registered against him as is borne out from para no.17 of his petition. Therefore, he too was not entitled to the grant of bail.

7. I have heard learned Counsel for the parties and examined the record.
8. A perusal of the FIR would reveal that specific allegations have been levelled against both the petitioners. Both the parties have attacked each other's family members multiple times as is apparent from the record. Even though the complainant has not supported the case of the prosecution so far as the petitioner Umesh is concerned the attending facts and circumstances of the case along with criminal antecedents of the petitioners and the manner in which the occurrence has taken place does not entitle them to the concession of bail.
9. In view of the above discussion, I find no merit in both the petitions and therefore they are dismissed.

(JASJIT SINGH BEDI)
JUDGE

March 02, 2023
Vinay

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