

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

(Sr. No.106)

CRM-M No. 26823 of 2023

Date of decision : 26.05.2023

Sanjiv @ Sonu @ Sanjeev Gahlot

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.110 dated 11.04.2023 registered under Sections 323, 452, 506, 120-B IPC and Sections 25/25 (1-B) (a) of the Arms Act at Police Station Sector 14, Gurugram, District Gurugram.

(2) Briefly stated, the case of the prosecution is that while on interim bail in a murder case, the petitioner, along with his co-accused Sahil, entered the complainant's house where he abused and threatened the complainant and his family with an unlicensed weapon which he later handed over to Sahil from whose possession it was recovered. On the arrival of the police party at the scene, the petitioner managed to flee.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on account of a marital discord between the petitioner's relative Shilpa and her husband who is the

complainant's brother; co-accused Sahil from whom the unlicensed pistol has been allegedly recovered has since been enlarged on regular bail; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the pistol was recovered from the possession of co-accused Sahil and not the petitioner; the petitioner also did not brandish any weapon; the trial court erred by rejecting the petitioner's bail on the ground that there were several cases pending against him as there is only one case which the petitioner is facing and that the petitioner is also ready and willing to join and cooperate with the investigation.

(4) Learned State counsel opposes the petition.

(5) Learned counsel for the parties have been heard and the record of the case has also been perused.

(6) The petitioner's niece-Shilpa is married to the complainant's brother; on account of a marital discord between Shilpa and her husband the petitioner is alleged to have trespassed into the complainant's house along with co-accused Sahil; at that time the petitioner is further alleged to be carrying an unlicensed weapon with which he threatened the complainant's family; thereafter, he handed over the weapon to co-accused Sahil from whom it was later recovered and that when the police arrived at the spot, the petitioner is alleged to have fled the scene.

(7) In the light of the above discussion and in particular that the petitioner is alleged to have committed the afore offences while he was on interim bail in a murder case, this Court is of the opinion that the petitioner's conduct does not entitle him to the grant of anticipatory bail.

(8) Dismissed.

(9) It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

26.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No