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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34607-2023(O&M)

Date of decision: July 25, 2023

Venkat alias Vainket Garg

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Kapil Aggarwal, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in a case bearing FIR No.573 dated 08.12.2022, registered under Section 307 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station, Naraingarh, District Ambala.

2. Per prosecution version, on 07.12.2022, complainant-Rajbir Singh along with his family had gone to attend marriage functions of Raman, who is son of his sister. At about 11:00 – 11:30 p.m., petitioner came outside the main gate of the marriage palace and started firing gunshots by proclaiming that he will eliminate everyone. As complainant tried to catch hold of the petitioner, he fired a shot which hit in his abdomen. When brothers of the complainant, namely Baljeet and Gural tried to pacify petitioner, the latter again fired gunshots which hit the fingers of his brother Gural. An FIR was registered in this regard. Petitioner is in custody since 12.12.2022.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He further submits that injured-Gural had not got himself medico-legally examined and there is no MLR of Gural with the prosecution. He further contends that on the contrary, petitioner was beaten severely by some boys owing to which he was admitted in the hospital and he also got his statement recorded before the police. Learned counsel for petitioner further relies on MLR dated 08.12.2022 (Annexure

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P-4) of the petitioner and copy of DDR dated 10.12.2022 (Annexure P-5) to bring home his view point that petitioner was very badly injured and that it was the petitioner, who was wronged.

3.1. Learned counsel for petitioner would further urge that on 19.06.2023, one more false case was registered against him, whereas, fact of the matter is petitioner was brutally trampled by some inmates in the jail. Charges have yet not been framed and prosecution has also not obtained the necessary sanction to prosecute the petitioner under the Arms Act.

4. Per contra, learned State counsel, assisted by SI Naresh Kumar, opposes the bail petition. She submits that petitioner with an intention to kill, had fired gunshot on the complainant which hit in his abdomen and thus, petitioner committed a heinous offence. Petitioner was arrested on 12.12.2022 from the hospital and police got recovered a pistol .32 bore, empty magazine, live round and a car from him.

5. Learned State counsel further contends that not only the petitioner is a habitual offender as there are 13 more FIRs registered against him, but in the present case, after being taken in custody, another case has been registered against him under the Prisons Act as he had attacked one of the officials in jail with a screw driver. There is every likelihood that petitioner may tamper with the evidence and influence the witnesses, in case he is released on bail.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. It transpires that challan has been filed, but charges are yet to be framed. Petitioner has committed a serious offence by causing grievous hurt to the complainant by firing gunshot in his abdomen. Without commenting on the merits of the present case, given the antecedents of the petitioner showing that he is involved in as many as 13 more cases, also caused injury to an official witness with screw driver even while in judicial custody and his conduct *prima facie* indicate that he is a habitual offender and the potential risk of the petitioner committing further offences and threatening public safety cannot be ruled out. In the premise, I find force in the contention of learned State counsel

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that in case petitioner is let out at this stage, there is every possibility of his influencing/intimidating the witnesses.

8. As an upshot, no indulgence is warranted by this Court to grant concession of bail to petitioner at this stage. Instant bail petition is thus dismissed.

9. It is made clear that any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are limited to the disposal of the bail application alone and learned trial Court shall proceed in accordance with law without being influenced by this order.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 25, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No