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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51460-2023
Date of decision: 16.10.2023

VED PARKASH ALIAS GOURAV

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Bhag Singh, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.5 dated 14.01.2023, under Sections 307, 34, 120-B of the IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Shahzadpur, District Ambala, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 24.04.2023 and it is a case where the allegations against the petitioner were that he was driving a motorcycle and there were other two co-accused also on the pillion seat and the co-accused who were on the pillion seat had fired upon the complainant which hit his head and his shoulder by way of a firearm. He further submitted that there is no direct attribution to the

petitioner and even otherwise also the challan presented was an incomplete challan because the medical report was not attached alongwith the challan. He also submitted that in view of the custody of the petitioner and the fact that the challan qua the petitioner has been presented, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody from 24.04.2023 but has opposed the grant of bail to the petitioner on the ground that the matter is not only serious in nature but it is a case where illegal arms were used and the petitioner although was riding a motorcycle but the other co-accused, who were on the pillion seat had fired upon the complainant which hit his head and shoulder by way of a firearm. He further submitted that during the course of investigation, as per the disclosure statement made by the petitioner himself, the weapon was given to one co-accused, namely, Dilbar but the aforesaid Dilbar has not been arrested yet. One more co-accused, namely, Brijpal, who was arrested helped the petitioner to escape after the commission of the offence. He further submitted that none of the prosecution witnesses has been examined till date and there is strong apprehension that in case the petitioner is released on bail then he may not only abscond from justice but he may also influence the witnesses and also considering the gravity of the offence wherein firearm was shot on the head and shoulder of the complainant, the petitioner does not deserve the concession of bail.

4. I have heard the learned counsel for the parties.

5. The present petitioner is in custody from 24.04.2023 but the allegations against the petitioner are no doubt serious in nature. As per the

allegations, the petitioner was the driver of the motorcycle, wherein two other co-accused who were on the pillion seat had fired upon the complainant, which hit on his head and shoulder by way of firearm. None of the prosecution witnesses has been examined till date. The apprehension which has been expressed by the learned State counsel that in case the petitioner is released on bail then he may abscond from justice or may influence the witnesses carries weight and cannot be ignored.

6. In view of the above and considering the stage of the case as well and the gravity of the offence involved, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

16.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No