

216

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 52344 of 2023

Decided on: 22.11.2023

KUTBUDDIN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Munfaid Khan Advocate
for the petitioner.

Mr. Vishal Malik, DAG Haryana.

.....

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
344	15.11.2022	323, 307, 506, 34 IPC and 25 of Arms Act.	Nagina, District Nuh

2. In nut shell the case put forth by the prosecution is that complainant Usman moved a complainant stating that on 14.11.2022 at about 4:00 PM nephew (Nasir) of the complainant was attacked and on the basis of it, 13 persons were named. On raising alarm the complainant and their family members reached there. The assailants attacked them with country made pistols and thereafter went over the roof of their house. Ali Mohammad, Anish, Kutubuddin and Ansar fired from their country-made

pistols. The fire shot of Ali Mohammad, hit his brother Sabir on his abdomen, while fire shot of Anish hit on the left hand finger of Sabila, Nadeem fired from his gun but the shot did not hit anybody. The assailants fired 20-30 more shots while leaving the spot and threatened of dire consequences, and hence the FIR was registered.

3. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the present FIR is outcome of the cross-version of the FIR No. 343 dated 15.11.2022 under Sections 148, 149, 323, 307, 452, 506, 427 IPC, and Section 25 of the Arms Act registered at Police Station Nagina, District Nuh, in which family members of both the complainants as well as victim had sustained injuries. He submits that Sabila had two injuries while Sabir had one injury on their person, co-accused Anish has already been granted concession of regular bail. The petitioner is ready to join the investigation and as such prays for grant of concession of anticipatory bail.

4. On the other hand, learned State counsel has opposed the bail petition and submits that as per the reply dated 03.11.2023 filed by Deputy Superintendent of Police, Frizopur Jhirka, District Nuh, the petitioner has attributed specific role in commission of crime, and had fired on complainant party by country made pistol, and to effect the recovery of weapon, custodial interrogation of the petitioner is required and hence prays for dismissal of the petition.

5. After considering their respective arguments and perusing the record, it transpires that there are specific allegations against the petitioner of having fired gun shots on the complainant party, therefore,

custodial interrogation of the petitioner is required to recover the firearm and to unearth the motive behind the commission of the offence.

6. Therefore, considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.11.2023
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |