

CRM-M-57004-2023

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(227)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57004-2023
Date of Decision: 20.11.2023

SATPAL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Baljeet Beniwal, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Ritesh Tomar, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.61 dated 16.02.2023 registered under Sections 307, 34, 341, 201 IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station Sadar Ballabhgarh, District Faridabad, Haryana.

2. The present FIR came to be registered at the instance of Rajbir son of Ishwar Singh who stated that he was an agriculturist. On 16.02.2023, he along with his son Vinit were going towards Village Gadkheda on a motorcycle being driven by Vinit. When they reached near Diwan Farm House, then Bhola son of Satish and Rahul @ Leele (granted bail vide order dated 18.10.2023 passed in CRM-M-52076-2023) son of Rajendra residents of Village Gadkheda were already standing there. They (accused) stopped

them (complainant party). Rahul caught hold of his son Vinit and Rajender caught hold of him (complainant). At the same time, a Toyota Car came to the spot along with Satpal (petitioner) son of Tuhi Ram and Rajendra (granted bail vide order dated 03.08.2023 passed in CRM-M-36793-2023) son of Het Lal. Bhola was having a country-made pistol in his hand. Satpal took the pistol from Bhola and shot at him (complainant) with an intention to kill and the bullet struck his left arm and another shot struck his thigh. Then Bhola took the country-made pistol from Satpal and shot at his son Vinit hitting his right leg. Thereafter, the accused ran away from the spot.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. During the course of investigation it transpired that the country-made pistol was fired by Bhola alone and not by Satpal (petitioner). Satpal had only been attributed an injury with a Danda which had been shown to have been recovered from him. As two co-accused of the petitioner namely, Rajender and Rahul @ Leele had been granted the concession of bail, the petitioner was entitled to the similar relief as he had been in custody since 09.03.2023 and none of the 29 prosecution witnesses had been examined so far.

4. On other hand, the learned State counsel assisted by the learned counsel for the complainant contend that the petitioner is one of the main accused. One day prior to the incident i.e. 15.02.2023, the complainant had given a complaint in the Police Station that Satpal (petitioner) had threatened him to kill him on the next day. However, despite the complaint being received by the Police Station, no action had been taken on the said

complaint and on the very next day i.e. 16.02.2023, the present occurrence took place. They contend that the CDRs of the accused which had been collected during the course of investigation established that it was the petitioner who had called the other accused all of whom then attacked the complainant/injured. In fact, as per the version in the FIR, the petitioner along with Devender @ Bhola had inflicted gunshot injuries to the complaint Rajbir and his son Vinit. The case of Rajender and Rahul @ Leele was different inasmuch as no injuries had been attributed to them.

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

6. Admittedly, the first bail application of the petitioner came to be withdrawn as recently as on 03.10.2023. There are no significant changes in the circumstances ever since then. A perusal of the record would reveal that on 15.02.2023 i.e. one day prior to the present occurrence, the petitioner had threatened the complainant by stating that he (complainant) would see what will happen with him (complainant) the next day. On the very next day i.e. on 16.02.2023, the present occurrence took place. The investigation has also revealed that it was the petitioner who had called all the other accused at the spot after which the present occurrence took place. Therefore, from the investigation conducted so far, the petitioner is undoubtedly one of the main accused along with Devender @ Bhola. So far as the co-accused of the petitioner who have been granted bail are concerned, they have not been attributed any injuries. Therefore, their cases are different from that of the petitioner.

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7. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

20.11.2023

JITESH

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