



*No.HR-02AN-6059 were going from Village Todarpur to Saharanpur-Ambala Highway and I was driving the car myself. At about 6:00 PM, when we reached in front of T.T. Plywood within the area of Village Todarpur, then Irshad son of Aliyas and Mosim son of Meer Hassan residents of village Todarpur got stopped my car by making a gesture. When I stopped the car and we all alighted from the car, Mosim, Irshad and their companions who were standing at a distance, came there in their cars, which included Aadil @ Vasid son of Ashiq Ali, Enam son of Adrish, Ilarun son of Kamil, Naushad son of Aliyas, Riyasat Ali son of Kamil, all residents of village Todarpur and Ashique Ali son of Yusuf, Saud son of Ikram, residents of village Shadipur who were present at some distance on their motor cycles and cars make 'Swift' in the colour white and XUV in the colour black, came near them. I could not note down the registration numbers of said motor cycles and car, but identified the XUV car to be belonging to Rahul son of Asra resident of village Daulatpur. At the same time, my cousin Rufal son of Matloob Hassan resident of village Todarpur, came at the spot in his car bearing Registration No.HR-02J-6331 make 'Ritz'. In the meantime, Mosim gave a country made pistol to Irshad, who with intent to kill complainant fired a shot, which went away by touching his right hand and thereafter, he fired other two/three shots. Out of fear, I ran inside the plywood factory in front of me. Later on, I came to know that Mosim along-with his companions caused injury on the head of my brother Amir Khan with the weapons brought by them and Mosim, Irshad, Aadil Alias Vasid, Inam, Harun, Naushad, Riyasat, Aashiq, Saud and their other companions also damaged our cars very badly which were bearing Registration No.HR-02AN-6059 make*

*Creta car and Ritz car bearing Registration No.HR- 02J-6331 with the dandas etc. Mosim, Irshad, Aadil Alias Vasid, Inam, Harun, Naushad, Riyasat, Aashiq, Saud and their other companions have caused injuries with the intention to kill me and my brother Amir Khan and Hussain have inflicted injuries on us and have also damaged our cars badly. A prayer is made to take legal action against them. I have made my written statement, have read it and listened to it and find it to be right.”*

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case on account of previous enmity with the complainant side regarding some properties. Even as per the CCTV footage of the occurrence, the petitioner was not seen carrying any fire arm. Even he did not attack any other person and the medical evidence proves the falsehood of the version of the complainant. He further contends that the co-accused Rajul @ Golu has already been granted the concession of regular bail by the trial Court. Apart from that, co-accused namely Tassavar and Irshad @ Riyasat have already been granted the concession of regular bail by this Court vide order dated 14.11.2023 and 15.11.2023 respectively. Still further, co-accused Naushad has already been granted the concession of interim anticipatory bail vide order dated 06.11.2023 (Annexure P-5) passed by this Court. Learned counsel further placed reliance on the orders Annexures P-6 to Annexures P-8 to contend that Julfan, Saud, Afsar and Enam have already been granted the concession of anticipatory bail by this Court.

4. A status report by way of an affidavit of Deputy Superintendent of Police, Yamuna Nagar has been filed on behalf of respondent -State and the

same was taken on record.

5. Learned State counsel has referred Para 5 and Para 16 of the said affidavit, which are reproduced as below:-

*“5.That after registration of case, investigation was carried out. During course of investigation, statement of witnesses were recorded, place of occurrence was inspected. During course of investigation, MLR No. KG/352/23/MLR/YNR, dt. 22-08-2023 of injured Shahrukh Ali was obtained. As per MLR of the said injured Shahrukh Ali, he has suffered 2 injuries and both were simple. MLR No. KG/353/23/MLR/YNR, dt. 22-08-2023 of injured Amir Khan was obtained, as per MLR, the said injured suffered 5 blunt injuries. The photocopy of MLR No. KG/352/23/MLR/YNR, dt. 22-08-2023 of injured Shahrukh Ali is enclosed herewith as Annexure R-1, photocopy of MLR No. KG/353/23/MLR/YNR, dt. 22-08-2023 of injured Amir Khan is enclosed herewith as Annexure R-2.*

*“16.That in view of submissions made above, the petitioner is not entitled for grant of relief of anticipatory bail as he has caused occurrence. The petitioner is main accused and he made fire with desi katta and fired on Shahrukh Ali (complainant) by aiming him to kill. As such custodial interrogation of petitioner is necessary required to recover 'desi katta' which were used by him in the offence and 'cartridges' are to be recovered from him and the vehicle which was used by him in the offence is also to be recovered an it is also to be interrogated from petitioner that from whom he had purchased the 'desi katta' which was used by him in offence. So, custodial interrogation of petitioner is necessarily required.”*

6. Learned State counsel further submits that the petitioner is

the main accused in the present case. Apart from that, he was handed over the countrymade pistol by Mosim and vide the order dated 02.11.2023 passed by this Court Annexure P-9, this Court had dismissed the bail petition filed by Mosim. Thus, the petitioner does not deserve the concession of anticipatory bail by this Court and the petition is liable to be dismissed by this Court.

7. I have heard the learned counsel for the parties and perused the record carefully.

8. In the present case, as per the story of the prosecution, Mosim had handed over the countrymade pistol to the present petitioner and petitioner had allegedly fired on Shahrukh Ali, complainant by aiming to kill him. The countrymade pistol, which was allegedly used by him in the present case, is yet to be recovered by the police. Apart from that, in the present case it is also apparent from the MLR of Shahrukh Ali, complainant (R-1) that he had suffered a fire arm injury on his right forearm, which is attributed to the present petitioner. Thus, keeping in view the gravity of the offence as well as for the custodial interrogation, the present petition deserves to be dismissed by this Court.

9. The present petition is ordered to be dismissed accordingly.

02.02.2024  
hitesh

(N.S.SHEKHAWAT)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No