

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7213-2024
Date of decision:22.05.2024

PunitPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vinod Ghai, Sr. Advocate with
M/s Arnav Ghai, Dhruv Trehan,
Amritpal Singh Mann, Advocate,
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

Custody certificate dated 21.05.2024 filed by learned State
counsel in Court today is taken on record.

2. Instant petition under Section 439 Cr. PC. has been
preferred seeking grant of regular bail to the petitioner in case FIR
(Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
84	08.03.2023	307, 325, 506, 34 IPC 25, 30 of the Arms Act	Sadar Hansi District Hisar.

3. Heard.



4. It is, *inter alia*, contended by learned Senior Counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of political rivalry in the village. He contends that version of complainant, initially given to the police at the time of registration of the FIR, has been subjected to improvisation while recording the confessional statement of the petitioner (Annexure P-2) and also in the statement of the injured (Annexure P-3). He contends that originally the FIR was registered on the statement of the mother of the injured claiming the petitioner sitting on the pillion of the motor cycle driven by Sanjay @ Nar Singh who had come to the spot and the petitioner fired from his revolver whereas in the subsequent versions, Sanjay has been replaced by Vijay son of Rajbir. It is pointed out that in the FIR the cause of enmity was stated to be the voting in Panchayat Election whereas subsequent version(s) reflecting the quarrel in a marriage party on 16.02.2023 to be the cause of grudge. He contends that the petitioner is in custody since 09.03.2023 and challan has already been presented in the Court; conclusion of trial will take sufficient long time, hence, he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, referring to the reply submitted by the police, submitted that there are specific allegations against the petitioner of having fired four shots from his revolver on the person of



Karanpal, on the fateful day with the intent to kill him hitting his abdomen, chest, shoulder and buttock. He submitted that even none of the witnesses have been examined and considering the gravity of offence and specific allegations against the petitioner, he deserves no concession of bail. Hence, prays for dismissal of the same.

6. From the perusal of the record, it transpires that the instant case was registered on the statement of Krishna Devi alleging that on 08.03.2023 while she was sitting outside the house along with her brother-in-law, namely Dilbagh and nephew, Charan Singh while her son Karanpal was standing on the podium then at around 04 P.M., Sanjay and his son Punit Kumar, the present petitioner came on a motor cycle where Punit Kumar was a pillion and on asking of Sanjay @ Nar Singh, fired 04 shots from his pistol hitting Karanpal with the intent to kill him. On the *lalkara* being raised, the assailants ran away from the spot and the injured was shifted to the hospital, the injured had sustained injuries on his abdomen, chest, shoulder and right buttock. Accordingly, the instant FIR was registered and subsequently the petitioner was arrested on 09.03.2023.

7. After considering the rival contentions and perusing the record, it transpires that so far as the contention raised by learned Senior Counsel qua change of FIR version is concerned, it is observed that the police had after investigation given challan against the petitioner and the said Vijay and during the course of trial, the said



Sanjay @ Nar Singh has also been summoned. However, in the entire version given by the complainant-the mother of the injured, and also in the statement of the injured there is constant narration of the fact that he was the petitioner, namely Punit Kumar who was sitting on the pillion of the motor cycle and had fired shot from his revolver four times hitting the injured Karan Pal with the intent to kill him and in the process, he sustained gun shot injuries on his abdomen, chest, shoulder and right buttock. With the timely medical aid, the injured was saved. So far as the cause of grudge contended by learned Senior Counsel is concerned the same happened to be on account of not casting vote in elections as per the FIR as well as in the statement of the injured, Karan Pal, although there is also mention of some scuffle having taken place on 16.02.2023 in some marriage party. Therefore, the same will not affect the merits as of now, considering the consistent version given by the complainant and the injured qua the role played by the petitioner in firing 04 shots from his revolver hitting the injured, namely Karan Pal with the intent to kill him who received fire shot injuries on his person including vital parts of the body. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of anticipatory bail. As a consequence, instant petition stands dismissed.



8. It is made clear that anything contained here-in-above shall not be construed to be an expression of opinion on the merits of the case.

22.05.2024
preeti

(SANJIV BERRY)
JUDGE

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