

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7950-2024 (O&M)

(1) Amit Yadav @ Chhotu ...Petitioner
Versus
State of Haryana ...Respondent

CRM-M-8406-2024 (O&M)

(2) Hemant Yadav ...Petitioner
Versus
State of Haryana ...Respondent

Date of Decision:- 18.3.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamal Chaudhary, Advocate for the petitioner
in CRM-M-7950-2024 .

Mr. Akshya Kumar Jindal, Advocate for the petitioner
in CRM-M-8406-2024.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Manish Soni, Advocate for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
436	28.10.2023	Khedki Daula, District Gurugram	Sections 147, 148, 149, 285, 307, 323, 427, 506, 212 IPC and Sections 25 (1-B)(a) and 27(2) of Arms Act, 1959

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on
behalf of Amit Yadav @ Chhotu and Hemant Yadav in a case arising out of

above mentioned FIR. While petitioner Amit Yadav @ Chhotu seeks grant of anticipatory bail, petitioner Hemant Yadav seeks grant of regular bail.

2. It is the case of the prosecution that on a complaint filed by Jatin, a formal FIR was registered in the present case. The complainant alleged that he is resident of village Shikohpur, District Gurugram. On 25.10.2023, his uncle Joginder and Parasram were beaten up by the residents of village, namely, Hemant and Ankit and their friends. They came to know that Hemant, Ankit and Sumit and 2-3 other boys along with them were sitting at Shishpal's office. In order to discuss the matter with them, he alongwith his brother Chirag @ Chintu, Lalit, Kapil and Yoginder reached Shishpal's office. When they were having the talks, then Sumit, 2-3 boys sitting there got angry and started abusing them. When they protested, Ankit took out his pistol and pointed towards them and asked them to go away from there else he would shoot them. When they were returning after coming out of their office, then Kamal son of Narender came in Brezzaa Car No. HR26ES-6016 and as soon as he got out of the car, he started abusing them as to how they dared to come to their office. Then a car make Scorpio color white came at a high speed and stopped, from which Shishpal son of Jai Bhagwan, Sanjay son of Dharmender and Rohit son of Sube Singh alighted armed with sticks and pistol and started hurling abuses. Ankit, Hemant and Sumit and their 2-3 other friends who were sitting in his office came out and as soon as they came out, they fired 2-3 shots in the air and started beating them with the sticks in their hands. Then Shishpal fired a direct shot from the pistol in his hand which hit Lalit. Sumit and Ankit hit them directly with the pistols in their hands, whose bullet hit Chirag @ Chintu's leg. Kamal fired directly

with the pistol he was holding in his hand, but he (complainant) had a narrow escape. Shishpal, Rohit, Kamal, Hemant, Ankit, Sanjay, Sumit and their other friends together, beat them with sticks and fired shots at them with an intention of killing them. They fled from the spot in their respective vehicles. Lalit and Chirag were rushed to Aarvy Hospital, Sector-90 for treatment. Thereafter, they got admitted them to Fortis Hospital, Gurugram for better treatment. On this complaint, the FIR under Sections 147, 148, 149, 323, 285, 307, 427, 506, 212 of IPC and 25(1B) (a) of Arms Act was registered.

3. The learned counsel for the petitioners submitted that they have falsely been implicated in the instant case and that admittedly it is a case where several persons from the complainant party had together gone to the office of the accused Shishpal and had raised a fight. The learned counsel submits that the CCTV footage, provided to this Court by the learned counsel for the petitioner-Amit Yadav, clearly shows that the complainant party after entering into the house had thrown some stone like articles at the accused. It has been submitted on behalf of petitioner – Hemant Yadav that as per the case of prosecution, it is only a stick which was recovered from Hemant Yadav whereas the injuries found on the person of injured were in the nature of firearm injuries. It has been submitted that the petitioner - Hemant Yadav has been behind bars since the last 3 months and 22 days and since challan already stands presented, he deserves to be released on regular bail.
4. The learned counsel representing petitioner - Amit Yadav submitted that he is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused, which would not carry any

evidentiary value and as such, he deserves the concession of anticipatory bail.

5. Opposing the petitions, the learned State counsel, assisted by counsel for the complainant, opposed the petitions and has submitted that it is a case where the medical evidence clearly substantiates the allegations levelled in the FIR pertaining to receipt of injuries by the complainant's party by firearms. The learned State counsel further submits that the identity of the petitioners is clearly borne out from the CCTV footages and as such, their presence at the spot is clearly established.
6. This Court has considered rival submissions addressed before this Court and has also watched the CCTV footages, as has been provided by learned counsel for the accused-Amit Yadav by way of a pen-drive, which is ordered to be taken on record.
7. The said CCTV footages are from three different cameras installed at the premises of the accused and pertain to 28.10.2023. All the three footages are with respect to the time period 10:20 pm to 10:33 pm. Upon watching all the three footages, this Court finds that it is indeed the complainant party which had come to the office of the accused at about 10:20 p.m. The complainant party is shown to have entered into the office of accused Shishpal at about 10:24 p.m. and they are seen to be throwing some objects at the accused and they remained there for a few seconds. On the other hand, one of the accused is, however, shown to be brandishing a pistol as well. After the brief manhandling, the members of complainant party went out of the office into the street and kept standing there for about 6-7 minutes. At about 10:25 p.m. one of the cars of the accused arrived. At that time no

fight seems to have taken place. It is when another car of the accused arrived at about 10:31 p.m. that the said accused after exchange of few words immediately entered the office of accused Shishpal. At about 10:32 p.m. one of the accused is seen taking out weapons in the shape of sticks etc. from a box bed and they are seen in one of the three footages, rushing out in the street. The footage, thereafter, has not been provided. The aforesaid sequence does show that while it is the complainant party which had entered into the office of the accused in the first instance, but the accused were able to send back the complainant party from their office. However, subsequently, when some more accused came in two cars that all the accused collected weapons from their office. The sequence suggest that it was thereafter that the injuries were caused to the complainant party while they were in the street. The CCTV footage is in tune with the allegations levelled in the FIR. Since the accused are stated to be identified in the CCTV footage, this Court does not find any ground to grant regular bail to petitioner – Hemant Yadav at this stage, nor any special case is made out for grant of anticipatory bail to petitioner – Amit Yadav.

8. Both the petitions are found to be sans merit and are dismissed.
9. A photocopy of this order be placed on the file of connected case.

18.3.2024
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No