

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18783-2024 (O&M)
Date of Decision: 18.04.2024

Amit Yadav @ Chhotu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamal Chaudhary, Advocate, for the petitioner.

FIR No.	Dated	Police Station	Section/s
0436	28.10.2023	Khedki Daula, District Gurugram	147, 148, 149, 285, 307, 323 IPC and 25(1B)(a) of the Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. This is second petition filed on behalf of the petitioner under provisions of Section 438 Cr.P.C. seeking grant of anticipatory bail in respect of aforementioned FIR.
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 earlier petition i.e. CRM-M-7950-2024 filed by the petitioner had been dismissed on merits by way of passing a detailed order on 18.03.2024 (Annexure P-4). After dismissal of the said petition, the petitioner filed Special leave to Appeal (Criminal) No.4696/2024 in the Hon’ble Apex Court, which was dismissed as withdrawn by passing the following order on 08.04.2024:

- “1. The learned counsel for the petitioner seeks permission to withdraw the present petition, with a view to approach the High Court, by filing a fresh application, as may be permissible under the law.
2. Permission as sought for is granted.
3. The special Leave Petition is dismissed as withdrawn, with liberty as prayed for.”

4. Having heard learned counsel for the petitioner, this Court does not find any ground to grant anticipatory bail to the petitioner, particularly when earlier petition had been dismissed on merits and no fresh or special ground is available to justify extending relief under Section 438 Cr.P.C. The petition is sans merit and is hereby dismissed.

18.04.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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