

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-20624-2024

Date of Decision:-03.05.2024

Dinesh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Balbir Kumar Saini, Advocate for the Petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this fourth petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.207 dated 15.06.2021 under Sections 307, 323, 34, 506 IPC and Sections 25/54/59 of Arms Act, 1959 (Sections 25 & 27 of Arms Act deleted later on) registered at Police Station Gohana Sadar, District Sonapat.

2. The present FIR came to be registered at the instance of Vishal which reads as under:-

“ To The SHO Sahib, Police Station Sadar, Gohana. Sir, It is submitted that I, Vishal S/o Mukhtyar Singh, Caste Jat, am the resident of Village Katwal, P.S. Sadar Gohana, District Sonipat. Yesterday on dated 14.06.2021 in the evening, Dinesh S/o Sat Narayan and Sandeep S/o Sat Narayan, resident of Katwal, Caste Jat, were saying to lift the soil from our plot and was saying to pour soil in his plot adjoining to our plot. I and my father refused them to do so. Today on 15.06.2021 in the evening at about 5 o'clock, they started lifting soil from our plot with the

help of JCB. I restrained them from lifting the soil. After that Dinesh picked up a brick and hit on my head. Regarding this, I told at my home, from my home, I, my father and Ravi, who is son of my uncle ('Tau) Ramesh and my grandfather Balwan, uncle Narender, uncle Virender, brother Jaidev and brother Vikas came on the plot and we told them that despite of our refusal, you are lifting soil from our plot, at that time Dinesh, Sandeep sons of Sat Narayan and Dinesh's mother Parkashi, Dinesh's wife Parvesh were already present at the plot. They started abusing us, in the meantime, Dinesh, who was holding pistol in his hand with an intention to kill us fired upon me, which hit me on my left knee and fired second shot which struck me on my back waist and fired a shot, which hit on the left hip ('Pasu) of Ravi and Sandeep, who was holding 'lathi in his hand hit the same on my head and Parkash and Parvesh gave fist and kick blows to my mother and aunty. When we raised alarm 'mar-diya-mar-diya', then my uncle's son Azad and Amit run towards us. On seeing them coming, all of them fled away with their respective weapons, while fleeing they are saying that today you have been set free, in future on finding opportunity, you will be done to death. After this, Azad and Anil arranged vehicle and brought me and Ravi to PGI Khanpur for treatment, doctor got us admitted. Legal action be initiated against all of them. I have submitted written 1 application to you at PGI Khanpur. SD/ Vishal."

3. The learned Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact it was the complainant side which was the aggressor party and had started giving beatings to the family members of the petitioner and it was in self defence that the petitioner had fired causing injuries to the complainant and one Ravi. Despite making a complaint to the investigating agency no action was taken because of which the petitioner filed a complaint under Section 156(3) Cr.PC before the concerned Illaqa Magistrate leading to the registration of the FIR against the present complaint party bearing FIR No.13 dated

06.01.2022 under Sections 120-B, 148, 149, 323, 307, 427, 452, 506 IPC and Sections 27/54/59 of Arms Act P.S. Ghana Sadar, District Sonipat. The injuries received by the complainant Vishal and Ravi had not been declared dangerous to life. As the petitioner was in custody for the last more than 2-1/2 years but none of the prosecution witnesses have been examined so far, he was entitled to the concession of bail.

4. The learned State counsel on the other hand contends that this the 4th bail application filed by the petitioner. The last one came to be argued at length as recently as on 15.02.2024. No significant change of circumstances had been pointed out by the petitioner entitling him to the grant of bail. On merits, he contends that the complainant Vishal received gunshot injuries whereas the injured Ravi who had also received gunshots had been surgically operated upon for firearm injuries. The nature of the injuries had little relevance in view of the fact that a firearm had been used and the intention to cause murder was apparent. The manner in which the occurrence took place and the role attributed to the petitioner did not entitle him to the grant of bail.

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

6. A perusal of the FIR would reveal that the petitioner fired multiple pistol shots on the complainant and the injured. In fact the first altercation took place on 14.06.2021 and then once again on 15.06.2021 the instant occurrence took place in which pistol shots had been fired. The argument of the petitioner that only simple injuries had been caused is of little significance given the fact that a firearm was used in the occurrence and therefore, the intention to cause murder is writ large. Further this is the 4th bail application of the petitioner, the last one having been withdrawn on 15.02.2024. Absolutely, no change in circumstances have been pointed out

by the counsel for the petitioner during the course of arguments.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

8. Further for repeatedly filing bail applications, without any change in circumstances the petitioner is directed to deposit a sum of Rs.25,000/- with the Punjab and Haryana High Court Bar Association Account No.65035682434 State Bank of India High Court Branch, IFSC Code SBIN0050306.

(JASJIT SINGH BEDI)
JUDGE

May 03, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No