

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27391 of 2023
Reserved on: 07.02.2024
Pronounced on:28.02.2024

JAGDEEP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Kuldeep Sheoran, Advocate
for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail in the
following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
36	13.02.2020	307, 160, 34 IPC and 25 of Arms Act	Agroha, District Hisar

2. Brief facts of the case are that on 13.02.2020, ASI Sandeep Kumar received an information that firing is taking place between two gangs at Agroha Chowk. The police reached at the spot and the persons present there informed that Jagdeep and Vinod accompanied with their 2-3 friends were firing upon each other with an intention to kill. In the alleged

occurrence Jagdeep and one other person had suffered gun shots. Thereafter, they fled away on motorcycle. On inspection of the spot, ASI Sandeep Kumar recovered five empty cartridges and as such FIR was registered for firing on each other at public place.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He submits that petitioner was confined in jail in FIR No. 547 dated 21.12.2019 under Sections 302, 120-B, 34 IPC and Arms Act, Police Station, Azad Nagar, Hisar and after issuing production warrants, petitioner was arrested on 18.05.2020 in the present case. He submits that apart from the disclosure statement of the petitioner there is no material to connect the petitioner with the said occurrence and no recovery of weapon used in the said occurrence has been effected from the petitioner. He submits that there are 13 FIRs registered against the petitioner, however in one he is acquitted and in 4 petitioner is on bail while 8 FIR are pending trial. He submits that challan has been presented in Court, charges have been framed and out of 20 witnesses cited by the prosecution only 9 witnesses have been examined so far, as such he prays for grant of concession of bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail application by arguing that during investigation it was found that petitioner Jagdeep was confined in jail in FIR No. 547 dated 21.12.2019 (*supra*) and after issuance of production warrant he was arrested on 18.05.2020. He submits that during investigation, it was found that petitioner has actively participated in the incident and fired shot. He submits that on completion of

investigation, challan has been presented in Court, charges have been framed and out of 32 witnesses 11 witnesses have been examined so far. He submits that there are 7 other criminal cases registered against the petitioner, as such he prays for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record it transpires that apart from the fact that petitioner has infact sustained gun shot injury in the said occurrence as is evident from the copy of MLR placed on record as Annexure R-1, there is also specific report received from Forensic Science Laboratory Madhuban to say that the fired bullets recovered was infact fired from the country made pistol used by the petitioner. It has come in investigation that the petitioner had fired from his country made pistol on Vinod with intent to kill him and infact Vinod has also retaliated by his pistol on the petitioner. The petitioner is habitual offender having 7 criminal cases registered against him and the involvement of the petitioner in firing at a public place from a country made pistol which could have endangered the life of the public at large at risk, so considering the nature and gravity of the offence no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequent, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.02.2024

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