

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

212

2024:PHHC:045045

CRM-M-35873-2022

Date of decision: April 2nd, 2024

Sandeep Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raj Kumar Malik, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Rohit Kaushik Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.292 dated 19.10.2021 under Sections 307/506 of the IPC and Section 25 of the Arms Act registered at Police Station Parao, District Ambala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the instant case and it cannot be digested that he would have travelled all the way to Ambala from Ghaziabad with a firearm only to attack his sister-in-law. It has been submitted that in fact he was just visiting his widowed sister-in-law at Ambala when a scuffle took place between him and the complainant (sister of his sister-in-law) and accidentally his firearm went off hitting his sister-in-law i.e. the injured. It has been contended that had he been intending to fatally injure his sister-in-law, the petitioner would not have been content with only one firearm injury but would have fired again on his sister-in-law. Learned counsel has

submitted that since the material witnesses stand examined including the injured, his further incarceration would serve no useful purpose as 12 prosecution witnesses are yet to be examined and hence, the trial would take considerable time to conclude.

3. *Per contra*, learned counsel appearing for the State assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite of enlarging the petitioner on bail. It has been submitted that the petitioner had been keeping an evil eye on his widowed sister-in-law and young daughter; after the death of his brother, his widow i.e. injured sister-in-law of the petitioner was thus left with no other option but to move to her parental house at Ambala to escape the evil designs of the petitioner. The petitioner had on a number of occasions been stalking his sister-in-law and since she was not ready to move back to Ghaziabad with the petitioner, the petitioner with a premeditated mind, travelled all the way to Ambala from Ghaziabad with a pistol and fired at the injured, targeting her abdomen. Learned State counsel has drawn the attention of this Court to the following medical report of the injured:-

"Injury sustained-gunshot injury abdomen (Grade 3 Renal Injury, GB perforation laceration of Transfer Colon, pylorus). Operation performed -EL + Resection of perforation being segment of antrum + barrier colon + GJ + ES Endostomes of Colon + Cholecystectomy and nature of injury "Dangerous to Life".

4. It has been thus asserted that in the light of the serious allegations levelled against the petitioner, wherein it is evident that he not only had the intention but also the knowledge that his act could prove to be fatal to the injured, he did not deserve to be enlarged on bail. It has also been brought to the notice of this Court that the

petitioner was apprehended soon after the occurrence in question along with the weapon of offence; the material witnesses including the injured and the complainant had supported the case of the prosecution in its entirety, coupled with the fact that the medical evidence on record fully corroborated the ocular testimony. Learned State counsel has submitted that since only formal witnesses remain to be examined, the trial would not take much time to conclude now.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. *Prima facie*, there are serious and specific allegations levelled against the petitioner of having aimed and fired at a vital part of the body of the injured i.e. her abdomen for which she had to undergo various surgeries. This Court in view of the aforementioned facts and circumstances, does not deem it fit to extend the concession of bail to the petitioner.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. The learned trial Court, however, is directed to make earnest efforts to expedite the trial and conclude it expeditiously.

April 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No