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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.37297 of 2024
Date of decision: 13.08.2024

Gavanesh Singh ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Akshay Kumar Dahiya, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking relief of anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
02	02.01.2024	Murthal, District Sonipat	148, 149, 307, 427 and 506 of IPC & 25 and 27 of Arms Act, 1959 (For short “Act, 1959”)

2. Brief facts relevant for the purpose of disposal of this petition are that on 02.01.2024, on receipt of a telephonic information regarding a fire incident having taken place at Mannat Haveli, GT Road, Murthal, a

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police party headed by ASI Lalit rushed towards the spot wherein it was informed that Bijender an employee of Mannat Haveli had received a bullet injury and was shifted to Park Nidaan Hospital. On reaching there, the complainant Bijender was found admitted there. He submitted a written complaint alleging therein that on 01.01.2024 at about 11:30 PM, 2-3 youths accompanied by two girls had come to Haveli Dhaba wherein he was working. One of those youths was consuming beer. Being stopped by the employees of Mannat Haveli to not to do so, he started misbehaving with them. Police was called by dialing No.112 and then those youths left the spot on their vehicle bearing registration No.RJ20CD8542 while extending threats to the complainant and other employees. He further alleged that on 02.01.2024 at about 2:45 AM, those two youths again came to the Mannat Haveli along with 6-7 accomplices. Two-three of them entered inside the main entrance of the Mannat Haveli. The youth who was previously consuming beer was carrying a stone in his hand whereas the remaining two youths were carrying pistol and brick respectively. They threw stones and bricks towards the complainant and thereafter the third youth shot fire with pistol towards the complainant which hit his right leg. Thereafter all of them fled away. After registration of FIR, investigation proceedings have been initiated and the same are underway. During the course of investigation, footages of CCTV camera installed in the vicinity were checked and converted into pen drive which is in custody of the police.

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Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Sonipat vide order dated 24.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He did not carry any weapon at the time of the incident. No injury had been attributed to him qua the complainant. Infact, it was the co-accused Vishal Chaudhary who was in possession of a pistol and firearm injury was received by the complainant at his hands. The offences under Section 307 of IPC and Section 25 of Act, 1959 are not made out against the petitioner. The co-accused Pratyush Jadon, Saksham Jain and Shubham Chauhan had been extended benefit of pre arrest bail whereas co-accused Pulkit Sharma had been extended benefit of regular bail. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, it is argued by learned State counsel that there are serious allegations against the petitioner. As per the CCTV footage, he was carrying a stone in his hands at the time of the incident. His custodial interrogation is required for proper investigation in the matter by the police. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as

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learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to have formed membership of unlawful assembly along with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have thrown a stone towards the complainant with intent to cause damage to the property of Mannat Haveli hotel and to cause hurt to the complainant. The firearm which has been declared to be dangerous to life has not been attributed to the petitioner nor it has come on record that the victim had sustained any injury at the hands of the present petitioner. No recovery is to be effected from the petitioner. Most of the co-accused whose case at the similar footing has since been extended benefit of pre arrest bail. Keeping in view the nature of the attributions made to the petitioner, coupled with the fact that recovery of the firearm is not to be effected from him but from the co-accused, on the ground of parity but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed subject to the condition that the petitioner will surrender before the Investigating Officer/Arresting Officer of the case within a period of ten days and subject to his joining investigation. It is further ordered that on his surrender, the Investigating Officer/Arresting Officer shall admit him to interim bail on his furnishing personal/surety bonds as to his/her satisfaction. It is also ordered that the petitioner shall also join

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investigation as and when required subsequently and shall comply with the usual terms and conditions as envisaged under Section 438 (2) of Cr.P.C.

13.08.2024
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(MANISHA BATRA)
JUDGE

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