



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39532-2024
Date of Decision: 29.08.2024

Armaan ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Ms. Rosi, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.37 dated 03.03.2024, registered under Sections 34, 307 of IPC and Section 25 of Arms Act, 1959, at Police Station Pinangwan, District Nuh.
2. The FIR in the present case was registered on the basis of the complaint moved by Ijhar son of Deen Mohd. As per the complainant, on 02.03.2024, the marriage of Mosim son of Khurshid was held. The villagers had even called DJ and all the persons were dancing under the influence of liquor and they were carrying illicit weapons. While dancing, those persons were continuously firing from their illicit weapons. At about 11.30 p.m. in the night, Ayaan, aged about 9 years, who was watching a dance, was hit by a bullet and Ayaan fell down on the ground. Rihan, Naseem, Mufid shifted Ayaan



in the hospital at Mandi Kheda and keeping in view the critical condition of the injured, he was referred to Multi Speciality Hospital in Delhi. With these broad allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely named in the FIR by the complainant and the petitioner had not fired any shot. Learned counsel further contends that even vague averments have been made in the FIR and no specific role has been attributed to the petitioner.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Punhana has been filed by learned State counsel in Court today and the same is taken on record.

5. Learned State counsel submits that during the course of investigation, the MLR of Ayaan, aged about 09 years, was prepared at Civil Hospital, Mandi Kheda and the following injuries were found on his person:-

“1. Entry wound in form of a punctured wound of size 4 x 3.5 cm, diamond shaped, present over right side of the upper back, placed at 9 cm from clavicle and 2.5 cm from the scapular medial angle, bleeding present with air exit seen, no probing done, local swelling present, advise x-ray chest AP/view. PA/view and surgeon opinion, overlying T shirt found abraded and torn sealed for further analysis, GSR taken for gun powder residue.

2. Multiple punctured wounds of size 0.5x 0.5 cm present around the injury No.1 multiple in number of 100's cannot be counted in view of critical situation of patient, no probing done, bleeding present, present at lower scapular and scapular area of back right side, advise x-ray chest AP/view, PA/view and surgeon opinion, over lying T-Shirt found abraded and torn sealed for further analysis, GSR taken for gun powder residue.



3. *Samples for GSR from inside the wound and from edges of the wound are being sent along with the red full sleeve T-Shirt blood stained having corresponding rend for GSR residue.”*
6. She further contends that on 14.05.2024, Najju @ Nakat son of Umar Mohd. was arrested on finding sufficient evidence regarding his involvement and he had suffered a disclosure statement before the police. She stated that the petitioner had fired the bullet, which hit the injured. Even it has been found during the course of investigation that the petitioner had brought the country made pistol and had fired a shot, while dancing, which hit the injured in the present case. She further contends that the custodial interrogation of the petitioner is required as the country made pistol is yet to be recovered from the present petitioner.
7. I have heard learned counsel for the parties and perused the record.
8. In the present case, during the course of investigation, the police has found that while dancing, the petitioner had fired a shot from illicit weapon, which had seriously injured Ayaan, aged about 09 years, which is apparent from the MLR (Annexure R-2). Moreover, in the considered opinion of the Court, the custodial interrogation of the petitioner shall be required as to police is yet to recover the weapon of offence and the police is yet to ascertain the source from where the country made pistol was obtained by the present petitioner.
9. Thus, the present petition is being meritless and is ordered to be dismissed.

29.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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