



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-45971-2023

Date of decision: 05.09.2024

Ravi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Raman Chawla, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.205 dated 24.06.2020 under Sections 307, 450, 394, 398, 34, 120-B, 212 of the IPC, 1860 and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Bhuna, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, for allegedly inflicting gun shot injuries on the person of the injured. While drawing the attention of this Court to the FIR annexed as Annexure P-1, it has been further submitted that the false implication of the petitioner is



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evident from the fact that his name was not mentioned in the initial complaint but was later added only with the intent to harass him. It is further submitted that the petitioner has been dragged into this case to settle personal scores, as it is a matter of record that there have been ongoing personal rivalries between the complainant and the petitioner. Learned counsel has also highlighted that the petitioner has already been in custody for over three years and nine months, and the trial is likely to take considerable time as 31 out of 38 witnesses cited by the prosecution are yet to be examined. Additionally, the material witnesses namely complainant Ashok Kumar and injured Ish Kumar have already been examined. It has been urged that in the light of the aforementioned facts, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite by arguing that a perusal of the allegations levelled in the FIR which stands reproduced hereinunder, are of a serious nature; it is submitted that the petitioner, along with co-accused Sanjay @ Sanju, fired gun shots at the complainant with the intention to kill and commit robbery/dcoity. While further referring to the allegations in the FIR, learned State counsel submitted that on the day of the occurrence in question, complainant Ashok Kumar and his brother, injured Ish Kumar, were present at their shop around noon when the petitioner, accompanied by two others arrived at the scene armed with country made pistols. They



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demanding money, threatening to shoot if the demand was not met. It is further submitted that thereafter the petitioner fired shots at Ish Kumar, aiming at his chest and stomach, critically injuring him. Ashok Kumar immediately took his brother to the hospital and lodged the FIR. A few days later, when the injured was fit to make a statement, he specifically named the petitioner as the one who had shot him on the fateful day.

4. Learned State counsel has on instructions also submitted that the two key witnesses, Ashok Kumar and Ish Kumar have fully supported the case of the prosecution during the trial. Learned State counsel has not disputed the stage of trial, however, it has been submitted that the delay in the trial can also be attributed to the involvement of the petitioner in other criminal cases, which stand registered against him. Additionally, it has been submitted that the criminal antecedents of the petitioner are evident from his custody certificate which has been placed on record in the Court today, and if released on bail, there is a strong likelihood that the petitioner could abscond or engage in similar activities.

Contents of the FIR

“Statement of Ashok Kumar S/O Shri Manohar Lal Sethi resident of Ward No. 13 Bhuna Age 48 Years Mob 98128-69036 Stated that I am the resident of the above address. Both I and my elder brother Ish Kumar have a shop under the name and style of Ashok Marble in front of Bhagat Singh Park Bhuna. Today, on 24.06.2020, both I and my brother Ish Kumar were sitting at the counter inside our shop and our helpers were busy in their respective work. Around 12 o'clock in the day, two young boys came inside our shop, both the boys had country made pistols in their hands. Who as soon as he came said to handover the money otherwise he will shoot. My brother Ish Kumar got up from the counter and went towards him, then at the same time one boy fired directly from the pistol he was



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carrying and the other boy also fired directly with intention to kill my brother Ish Kumar with the pistol he was carrying. My brother Ish Kumar fell on the floor due to bullet injuries on his stomach and chest. Both the boys shot my brother Ish Kumar and immediately ran out of the shop. One of his friends was already standing outside the shop with his motorcycle. The three boys ran away on a motorcycle. Then I took my brother Ish Kumar in my car with the help of shopkeepers from the neighborhood and took him to Sadbhavna Hospital Fatehabad. The doctor gave first aid and referred him to Fatehabad. I along with my family members brought my brother to Sapra Hospital Fatehabad for treatment. Who is undergoing treatment here. I can recognize both the boys who shot me when they come in front of me. The above three boys, together with the intention of extorting money, shot my brother Ish Kumar with the intention of killing him. Legal action should be taken against these three boys. Now I have written my statement to you, I have read it, correct. Sd Ashok Kumar Attested Devender Singh Insp SHO PS Bhuna DT. 24.06.2020”

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

6. Upon hearing both sides, it appears prima facie that the attack was premediated orchestrated by the petitioner in connivance with co-accused Sanjay @ Sonu. Moreover, the involvement of the petitioner in other criminal cases of similar nature clearly reflects that he is a habitual offender. In view of the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

7. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. However, since the petitioner has been in custody since

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20.07.2020, the learned Trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest.

05.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No