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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-48239-2023 (O&M)
Date of decision: 06.09.2024

Jitender @ Monu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Neeraj Saini, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Manoj Pundir, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 94 dated 03.02.2023, registered under Section 307 of IPC and Section 25 of the Arms Act, 1959 at Police Station Kundli, District Sonapat.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 03.02.2023, after receiving an information that one Sandeep has been admitted in Raja Harish Chander Hospital, Narela in injured condition after receiving fire shots, SI Shamsheer along with HC Deepak reached the said hospital and recorded the statement of injured/complainant Sandeep, wherein he stated that on the same day, he was going to his house in his car from his shop. When he reached near back gate of the School, the motorcycle of the petitioner was touched with his car. He got down from the

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car and found that no damage had been caused to the any of the vehicles. However, since the petitioner had enmity with him, he fired a shot upon him with intention to kill him. The bullet hit on his leg and went through by tearing his stomach. Thereafter, Sonu, who was driving the car of the complainant, got him admitted in the hospital. The complainant prayed for taking legal action against the accused. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 04.02.2023. The pistol used in commission of the subject crime was got recovered from the petitioner. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 11.07.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He has no connection with the alleged incident. The alleged injuries inflicted on the person of the complainant were on the non-vital part of the body. Offence under Section 307 of IPC has not been made out at all. The petitioner has been nominated in this case only due to the previous enmity with the complainant. The petitioner is in custody since 04.02.2023. Investigation has since been completed and *challan* has been presented before the Court. Trial is likely to take time. No useful purpose

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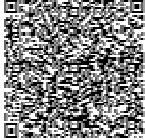
would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer of the petitioner by arguing that there are serious and specific allegations against him. He had fired a gun shot upon the complainant, which hit on his legs and went through by tearing his stomach. The petitioner is a person of criminal background as there are five FIRs against him, though in four of them, he has been acquitted. The complainant has been examined before the trial Court and he has supported the prosecution version. Trial is going on at a proper pace. There are chances of the petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner is alleged to have fired a gun shot upon the complainant, which hit on his leg and went through tearing his stomach. There are serious and specific allegations against the petitioner. The complainant has been examined and he has supported the prosecution version. A perusal of the custody certificate shows that the petitioner is a person of criminal background. Hence, the apprehension expressed by learned State counsel that he may abscond cannot be stated to be unfounded. Although, the petitioner has placed on record some additional documents on record procured under RTI Act, however, the assessment and evaluation of the same can be done

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only during trial after appreciating the entire material placed before the trial Court. The trial is going on at proper pace and there is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of offences alleged to have been committed by the petitioner, his criminal antecedents, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

06.09.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>