

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50997-2024
Reserved on: 07.11.2024
Pronounced on: 12.11.2024

Karan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Prabhdeep Singh Toor, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
329	27.10.2023	Badli, District Jhajjar	307/34/ IPC and 25/27/54/59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 18 of the bail application as well as of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No	FIR No	Dated	Offences	Police Station
1	266	08.10.2019	307 IPC and 25/54/59 of Arms Act	Badli
2	150	08.05.2022	285/506/34 IPC, 25/54/59 of Arms Act, 3 of SC&ST Act	Badli

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That the facts giving rise to registration of the present FIR are that on 27.10.2023 an complaint was moved by complainant namely Vansh S/o Kashi Ram resident of village Badli in Police Station Badli in the manner that" To SHO Sir Police Station Badli, Sir, it is a request that I am Vansh S/o Kashi Ram resident of village Badli Pana-Lakhyan and studying in 12th class.

Our shop is near Badli Bus Stand in the name of KC Ram Khad Beej Bhandar. Before which, my father had parked in front of the shop after filling the trolley with paddy. Who had to take it to Najafgarh Mandi in the morning. I was sitting near the tractor trolley. When today 27/10/23 at 12:30 am Karan S/o Kailash resident of Badli, Karan Jhandu S/o Lagdi resident of Badli, Sahil S/o Sume resident of Badli, Sunny S/o Jasdev resident of Dariyapur, all four came on HD-Deluxe Motor Cycle. Seeing me sitting there, they started abusing me. When I made noise, Pawan S/o Pappu @ Umesh, Ankit son of Jaideep brought a motorcycle which was also accompanied by Devil son of Mainpal, came there. Karan and his three friends again had a fight with me. I picked up the stones lying there and threw them towards them in my defence. At that moment, Karan fired at me with the pistol he was holding in his hand and after firing, all four persons ran away towards Delhi. Legal action should be taken against all four of them".

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"10. That on the basis of disclosure statement of present petitioner recovery of one country made pistol and one live cartridge used in the present offence was effected from Savtanter Nagar, Narela which was taken into possession vide recovery memo."

7. It would be appropriate to refer to the following portions of the bail petition, which read as follows:

"6. That the story of the complainant is also quite hard to believe as it is improbable that the complainant shouted at midnight (12:30AM) and three people came from the distant residential area on a bike to help him so quickly. There is no evidence or statement which can show that the complainant and his friends had any telephonic communication.

7. That it is also pertinent to mention here that the complainant and his father are hardcore criminals as after the above said incident on 27.10.2023, the complainant and his father committed a murder along with others. On this murder, police registered a FIR NO. 337/2023 P.S. Badli. The complainant (Vansh) and his father Keshiram are confined in Distt. Jail Jhajjar at Dulina, in the said case."

8. The petitioner fired upon the complainant, and it was his good luck that the petitioner could not aim.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner;

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this court refrains from doing so.

10. Petitioner is not entitled to bail on parity with co-accused Aaditya because petitioner had fired and not Aaditya.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

12.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.