



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53687-2024
Date of Decision:28.10.2024

Sachin ...Petitioner

VS.

State of Haryana ...Respondent

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

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr.B.K Bangri, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.216, dated 06.07.2024, under Sections 103(1), 3(5) deleted later on and offence under Sections 61(2) added later on, registered at Police Station Kasola, District Rewari, Haryana (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by Shish Ram son of Ramji Lal and the same has been reproduced below:-

“To, The SHO, Police Station, Kasola, Sir, It is submitted that I Shish Ram son of Ramji Lal, resident of Village Ranoli, P.S. Pawal, District Rewari. My son Dinesh owns a shop of Garments and Grocery in village Jaliawas. On 05.07.2024, it was birth day of Dinesh when I had gone to the shop to call Dinesh for his birth day

celebration. A little further from my son's shop, a Momo Cart has been put-up whereupon S.P. @ Shiv, resident of village Jalalpur and Sunny Gujjar, resident of Patuheda and Amit Pehalwan of village Asalwas were eating momos who after finishing their momos came present at the shop of my son Dinesh and started quarrelling with my son and thereafter the fled away. Thereafter, we went to round about near the shop and sat there when one person named Pawan came present and sat with us. Then after some time, S.P. @ Shiv, Sunny and Amit came in white car and Sachin friend of Shiv @ SP resident of Chirhada and Devinder Dubey, resident of Chirhada came present on the motorcycle and owing to some prior rivalry started quarreling with my son Dinesh then at about 9:00 PM SP @ Shiv fired shots at my son Dinesh which hit my son in the chest and my son Dinesh fell on the floor. The aforesaid accused/s fled away from the spot on their respective car and motorcycle and we carried Dinesh to Pushpanjali Hospital, where the doctor declared my son Dinesh brough dead. Strict legal action be initiated against the aforesaid accused persons. My son was 34 years. Sd/ Shish Ram son of Ramji Lal, Resident of Village Ranouli, P.S., Bawal, District Rewari, dated 06.07.2024.

3. Learned counsel for the petitioner contends that even though the petitioner has been named in the FIR, but no specific role has been attributed to the present petitioner and the petitioner was neither involved in the quarrel. He further contends that as per the case of the prosecution, Shiv Kumar @ SP had fired the shot and the petitioner was wrongly shown at the place of occurrence. He further submits that even the CCTV footage produced by him before the Trial Court completely exonerated him and the petitioner is entitled to concession of anticipatory bail by this Court.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned

counsel for the petitioner on the ground that initially, Sunny Gujjar, Shiv Kumar @ SP and Amit Pehalwan had a quarrel with deceased and thereafter, he went away. After sometime, Sunny Gujjar, Shiv Kumar @ SP and Amit Pehalwan returned with Sachin, petitioner and Devender @ Debbu and again started quarrelling with deceased. During the procees, Shiv Kumar @ SP fired shots at Dinesh, since deceased, which hit him in his chest and Dinesh had fallen on the floor and was shifted to Pushpanjali Hospital, Rewari. However, he had succumbed to the injuries. Thus, the petitioner had actively participated in the commission of crime and is not entitled for any relief.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record carefully.

6. In the present case, as per the case set up by the prosecution, the petitioner had come along with Shiv Kumar @ SP, main accused and the petitioner as well as other co-accused had a fight with Dinesh. In the proces of fighting with each other, Shiv Kumar @ SP fired shots, which had hit on Dinesh, since deceased. Whether the petitioner shared the common intention with Shiv Kumar @ SP and other accused or not, is a subject matter of trial before the Trial Court. At this stage, it is apparent that the petitioner was also present at the place of occurrence and has been specifically named in the FIR and is one of the assialants. Consequently, keeping in view the gravity of the matter, the petitioner is not entitled for any discretionary relief of anticipatory bail and the present petition is hereby ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

28.10.2024
hitesh

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