



CRM-M-56714-2024

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**237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-56714-2024
Decided on : 02.12.2024

Vikas @ Vikas @ Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Suhdir Rana, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.303 dated 11.09.2023 under Section 307, 506 and 34 IPC and 25 of Arms Act registered at Police Station Kasola District Rewari.

2. Learned counsel for the petitioner contends that a totally false and fabricated case having been planted by the complainant, is evident from the fact that while lodging the FIR in question, the complainant alleged that his brother-in-law Rajesh along with another relative Sukan came to his house and thereafter injured his father Dinesh Kumar. Learned counsel has submitted that however, during investigation, it came to the fore that the brother-in-law of the complainant Rajesh, who was a serving defence personnel, was not



even present at the spot as he was on his duty at his place of posting. Resultantly, brother-in-law of the complainant was found innocent and not challaned. Learned counsel has asserted that curiously thereafter for reasons but obvious, that is to implicate other family members of the accused party, a twist to the entire occurrence was given in the disclosure statement allegedly suffered by co-accused Sukan, who claimed that the petitioner was accompanying him on the fateful day, and had fired at the injured Dinesh Kumar with a fire arm. Learned counsel has argued that it is a matter of record that there is a matrimonial dispute between the complainant Ashok Kumar and his wife and it is on account of this reason, a false and fabricated case has been planted upon the family members of the complainant's wife. It has also been submitted that no recovery of weapon of offence has been made from the petitioner, which further lends credence to his false implication in the present case coupled with the fact that the injured had sustained only a single injury, which had been attributed to co-accused Sukan.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Pardeep, has not disputed that neither the complainant had levelled any allegations against the petitioner while lodging the FIR in question nor did he allege that the petitioner was present along with the co-accused when his father Dinesh Kumar was allegedly inflicted fire arm



injury. It has also not been disputed by the learned State counsel, on instructions, that no recovery of any weapon of offence was made from the petitioner and it was only pursuant to a disclosure statement allegedly suffered by co-accused Sukan from whom the recovery of weapon of offence was affected, that the petitioner came to be nominated as an accused in the present case. Learned State counsel, on further instructions, has conceded that the injured sustained only a single fire arm injury in the occurrence in question, which has been attributed to co-accused Sukan, who was named in the FIR and was also arrested soon after the occurrence in question by the police.

4. Learned State counsel, on further instructions, has not controverted that the petitioner has no previous criminal antecedents.

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

6. It would be apposite to reproduce the contents of the FIR in question, which is as under:

“TO the SHO Sahib, Police Station Kasola, the request is that I Ashok Kumar S/o Shri Dinesh Kumar alias Mangal, a resident of village Sangwadi, I and my elder brother Gopal are married to Saraswati, Seema, daughter of Radhe Shyam S/o Bunt in village Kasola. Both of us brothers were married in the year 2012. My wife Seema and my elder brother's wife Saraswati, who does not do any housework, neither does she serve my parents nor does she listen to them. Both of us brothers' wives Seema and



Saraswati have gone to their maternal home in village Kasola from the last 10- 15 days after fighting. My in-laws have filed a complaint against us in the police station and my brother-in-law Rajesh S/o Radhe Shyam and Sukan S/o Mohanpal were continuously threatening to kill us. Today on 11-09-2023, my father was sleeping outside the baithak in the veranda outside of our house and I was sleeping in the baithak. At around 3 or 2.45 AM, I heard the sound of a gunshot. I came out of the room. Sukan S/o Mohanpal and Rajesh Fauji S/o Radhe Shyam residents of Kasola were standing near my father. Sukan had a pistol and was threatening to kill my father. When I looked, my father was lying on the coat in pool of blood. They threatened to kill me also and fled in a car which was already outside the house. I chased the car, but they fled with the car. After that I called 112 and after arranging for a vehicle, I took my father to Government Hospital, Rewari for treatment. After that, I took my father to Birendra Hospital, Rewari where my father is undergoing treatment. Ten to fifteen days ago also, my in-laws came to our house, Radhe Shyam S/o Bunt, Krishna W/o Radhe Shyam, Rajesh Fauji S/o Radhe Shyam, who quarrelled with us. Legal action should be taken against them. Sd/-"

7. A perusal of the FIR, which stands reproduced hereinabove reveals that neither the petitioner was alleged to be present along with the co-accused nor any specific role has been attributed to him in the occurrence in question. Furthermore, brother-in-law of the



complainant, although was named as an accused, however, as not disputed by the State counsel, was not found to be present at the time of alleged occurrence since it was found that he was on duty at his place of posting.

8. In the facts and circumstances as enumerated hereinabove and without commenting on the merits of the case, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude, more so, when 21 prosecution witnesses remain to be examined. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

02.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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