



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-65149-2023 (O&M)
Date of Decision:- 30.07.2024

UMESH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sanjiv Gupta, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.
Mr. Naveen Jhajholia, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
213	31.05.2023	148, 149, 323, 324, 307, 201 IPC; 25 of the Arms Act	Chandhut, District Palwal

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner has no concern with the alleged occurrence and was not named in the FIR. He further contends that the name of the



petitioner had surfaced on the basis of disclosure statement of co-accused Krishan. However, as per the FIR, the injuries had been inflicted by co-accused Harkesh. He submits that the petitioner is not having any criminal antecedents and is ready to join investigation, hence, prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply/status reports submitted by State has opposed the petition on the ground that it has come in the investigation that petitioner is the main accused and he had caused the firearm injury to injured-Kajal by a country-made pistol and the recovery of the said weapon is yet to be effected. Hence, the custodial interrogation of the petitioner is required and prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, on 30.05.2023, on the occasion of Dusshera at about 06:30 PM, a fight ensued between Yogesh and Vikas. Thereafter, Vikas called his friends namely Rahul, Rakesh, Harkesh, Prince, Krishan son of Bhole, Saurav and Krishan son of Guddu and other unidentified persons. All the aforesaid persons armed with *laathi*, *dandas* and knives started assaulting Yogesh, Hiralli and Dharam Singh. Thereafter, one of the accused person, who was initially unidentified, fired in the air from a country-made pistol, which hit injured-Kajal on her left hand. During the course of investigation, it was found that the firearm was used by the petitioner and as no one apart from the family of co-accused Harkesh personally knew him, therefore, he was not named in the FIR.



5. Furthermore, co-accused Krishan in his disclosure statement had specifically stated that the petitioner had used the country-made pistol (*katta*), which hit the injured-Kajal on her left hand. Moreover, in the supplementary statement made by injured-Dharam Singh, it was specifically mentioned that a friend of co-accused Harkesh had fired in the air which hit the injured-Kajal on her left hand and when Panchayat was convened, it was revealed that injury to her was caused with the firearm used by the petitioner and he being an outsider, the petitioner was not known in the village.
6. From the record, it transpires that the petitioner has actively participated in the occurrence and specific role is attributed to him of having fired from a country-made pistol hitting injured-Kajal on her left hand and the recovery of this weapon, used in the crime, is to be effected, for which custodial interrogation of the petitioner is required.
7. Therefore, considering the nature and gravity of offence and that recovery of the weapon is to be effected from the petitioner, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No