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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1695-2025
Date of Decision:-06.02.2025

NARESH CHAUHAN

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Abhimanu, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Pranshul Dhull, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 31.01.2025, of Deputy Superintendent of Police, Head Quarter, Palwal, District Palwal, the same is taken on record, copy thereof, has been supplied to the counsel opposite

2. By way of the present petition filed under Section 438 of the Code of Criminal Procedure, the petitioner is praying for anticipatory bail in the following FIR (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
204	08.06.2024	307, 323, 34, 452, 506 IPC and 25 of Arms Act	Gadpuri, District Palwal

2. Argument heard.



3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that matter has been compromised with the complainant and the injured who has given the affidavit dated 18.12.2024 (Annexure P-3), as such, petitioner is not required for custodial interrogation. Hence prayed for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel, referring to the reply submitted by the State has opposed the bail petition by submitting that petitioner was specifically named in the FIR and he had allegedly shot on Krishan (brother of the complaint) twice with an illegal weapon which hit his stomach and thigh. The recovery of the weapon used in the crime is yet to effected, as such custodial interrogation of the petitioner is required. Hence prayed for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that the instant FIR was registered on the complaint of Devinder-Complainant stating that on 7.6.2024 at about 11:30 pm when he and his brother were sleeping in the house, they hear some abusive sounds and saw Manish , Naresh and two other boys in a swift car standing out in front of their gate and hurling abuses, after some time they had gone. Thereafter, at about 11:45 Manish, Naresh, and one more boy came inside his house and started beating him and when his brother Krishan came to rescue, they started beating Krishan also, in the meantime Manish and Naresh brought their illegal weapons and Naresh fired on Krishan twice with an intent to kill him, Krishan sustained one shot in stomach and another on his thigh.



Extending threats to kill, the assailants ran away in their car. Injured was shifted to hospital, Hence FIR was registered.

6. It is evident that petitioner was specifically named in the FIR on the allegations of beating complainant and his brother Krishan and fired shots at Krishan which hit his stomach and thigh, with an intent to kill him. The recovery of weapon used in the occurrence is yet to be effected from the petitioner a such his custodial interrogation is required. Therefore, considering the serious nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.02.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No