

2025:PHHC:089959



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-37285-2025
DECIDED ON: 22.07.2025**

ARUN @ FUNGAR**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Kartar Singh Malik, Advocate for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 seeking regular bail to the petitioner in case FIR No. 840 dated 05.11.2022 under Section 25 of Arms Act, 1959, 120-B, 307 and 34 of IPC, 1860 (Sections 120-B and 34 of IPC, 1860 were deleted in the charge sheet) registered at Police Station City Rohtak, District Rohtak (Annexure P-1), in the interest of justice.

2. Brief facts of the case read as under:-

“To the SHO, PS Rohtak City. Subject for taking action against the person who fired gun shot on me with the intention of killing me. Sir, it is requested regarding the subject mentioned above that I Naveen S/o Shyam Lal R/o H. No. 1009/3, Ramleela ground Padav, near Bus Stand, Rohtak and I am married and I have three kids, two girls and one boy and I have a shop in the meat

market. I had an altercation with Arun @ Fungar S/o Vijay R/o Ramleel Padav, Rohtak which was resolved with the intervention of other present and today on 05.11.2022 at about 12.15, I was sitting at the home of Dhano W/o Babul, R/o Ramleel Padav since my aunt (Tayi) was sick and at that time, Arun came with a revolver in his hand and he shot a fire at my chest with the intention of killing me and that gunshot hit me on the right side of my chest and after that he fired second gunshot on my right arm which hit my arm and after this I ran to save myself from him, then he fired third gunshot on my head, which I tried to stop with my right hand and third fire hit me on my right hand, then I raised alarm that I have been injured with gunshot and save me and then Arun fired another gunshot which got missed and after the hue and cry, Arun ran from the spot with his revolver in his hand and I fell on ground, thereafter, my brother Laveen took me to Oxygen Hospital for treatment and brother of Arun Tinda was saying that Bunty, kill Naveen and the cause of enmity is the family members of Arun namely Sunny, Bharat, Rinko S/o Parkesh S/o Govind Ram R/o Ramleela Padav and Ravi S/o Prem S/o Govind Ram R/o Palika Colony, Rohtak were involved in the murder of son of my uncle (Tau) Gulshan S/o Om Parkash who was murdered in 2003 and this murder was committed by Deepak @ Sunny and above and under the same enmity Arun @ Fungar conspired with Tilak Khadka councilor, Ginni S/p Fagdo, Montu S/o Makkar mistri, Arun R/o Kachhi Gandhi to kill me and send Arun after giving him arms and money and he was arrested too a few days ago by the CIA Staff and they had threatened me to kill me after their bail, strict action be taken against him all. Sd/- Naveen, 98125-44686.

2. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. It is submitted that no Forensic Science Laboratory (FSL) report regarding the matching of bullets has been received by the prosecution to date. As per the prosecution's own version, Mahavir

Singh, Senior Scientific Assistant from Rohtak, visited the crime scene, and in his report, it has been categorically stated that no bloodstains were found at the spot.

It is further argued that the prosecution has failed to obtain a certificate under Section 65B of the Indian Evidence Act from the owner of the CCTV camera, and in the absence of such a certificate, the CCTV footage cannot be treated as admissible evidence. It is also asserted that no recovery was effected from the petitioner and that the alleged recovery of the pistol and live cartridges has been falsely planted by the police to implicate the petitioner.

Learned counsel further submits that the investigation in the matter has already been concluded and nothing is to be recovered from the petitioner.

On behalf of the State

Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration for 2 years 8 months and 13 days.

He strongly opposes the prayer for grant of bail, contending that the allegations against the petitioner are of a grave nature wherein he fired four gunshots upon the complainant, out of which three hit the complainant, while one shot missed. It is further contended that the petitioner is a habitual offender, as he is involved in another pending case and has previously been convicted in four separate cases, reflecting a pattern of repeated criminal conduct.

4. Analysis & Conclusion

In the present case, the allegations against the petitioner, Arun @ Fungar, are of a grave and serious nature. He is alleged to have fired four gunshots at the complainant, out of which three bullets struck the complainant, causing serious injuries. The weapon of offence, i.e., the pistol used in the incident, has also been recovered from the petitioner. Moreover, the petitioner is a habitual

offender, as has been pointed out by learned State counsel that he is involved in another pending case and has previously been convicted in four separate cases.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the foregoing circumstances, the nature and seriousness of the allegations, and the potential risk to the integrity of the trial, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage. Accordingly, the present regular bail petition stands dismissed being devoid of merit.

(SANDEEP MOUDGIL)
JUDGE

22.07.2025
Anuradha (a)

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