



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

218

CRM-M-53819-2024

Date of decision: January 21st, 2025

Mohd. Sajid

.....Petitioner

Versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raman Sihag and Mr. Neeraj Sansaniwal, Advocates
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh
with Mr. Shubhkaran Singh and
Ms. Diksha Sharma, Advocates.

Mr. Gaurav Vir Singh Behl and
Mr. Rajat Verma, Advocates
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in
FIR No.11 dated 10.02.2024 under Sections 307, 120-B of the IPC and
Section 25 of the Arms Act, registered at Police Station Sector 26,
Chandigarh.

2. Learned counsel for the petitioner contends that it is a case
of no injury much less at the hands of the petitioner, who was alleged to
be armed with a firearm. It has been submitted that a highly improbable
version has been brought forth that the petitioner, at the behest of co-
accused Faruk Malik, came to be shop of the complainant and after
threatening him with dire consequences on account of some dispute
pertaining to the parking of a truck with co-accused Faruk Malik,
attempted to press the trigger of the firearm, which was in his

possession; despite pressing the trigger twice, the firearm did not work, as a result of which the complainant attempted to flee allegedly followed by the petitioner and co-accused Faruk Malik. Learned counsel has submitted that the petitioner had no animosity with the complainant and hence, there was no occasion for him to carry out the crime in question much less at the behest of Faruk Malik. It has been submitted that in fact, it is the petitioner, who had sustained injuries at the hands of the complainant in which regard there was medical corroboration as well; the petitioner had received 20 stitches on his head and the injuries sustained by him in the occurrence in question could not be self-inflicted or with a friendly hand. Learned counsel has further argued that since the police was not registering an FIR against the opposite party i.e. the complainant in the present case, he was compelled to approach this Court and it was only thereafter that a cross FIR was registered. However, the said FIR was instead registered against unknown persons. It has been, therefore, submitted that in the aforementioned facts and circumstances, more so when no injury has been attributed to the petitioner much less with a firearm, the petitioner deserves to be extended the concession of anticipatory bail.

3. On being put to notice on the previous date of hearing, learned Public Prosecutor, U.T. Chandigarh, has filed reply by way of affidavit of SDPO, East, Chandigarh, which is taken on record subject to just exceptions. Learned standing counsel for U.T. Chandigarh assisted by counsel for the complainant have at the outset drawn the attention of this Court to the following allegations levelled in the FIR in question:

“Statement of Sh. Varinder Rana @ Ankur S/o Lt.

Balraj Singh 3845 Sector 32-D Chandigarh Age 32 Year stated that I live with my family at the above address and I work as a papaya seller on the back side of shop no.1 and 16 of Grain Market Sector 26, Chandigarh and along with my shop, Farooq Malik also works of papaya in the back side of Shop No.2 and 12, Grain Market Sec 26 Chandigarh and he considers himself a self-styled goon who often used to threaten me for parking the truck on the back side of the shop and said that if I park the truck here, then you will have to pay me the fee, but I did not take his words very seriously. Yesterday, on 9.2.24 Farooq Malik along with his some associates came outside my shop and threatened me that from now on no truck will be parked here and if you stand truck here then you will have to face the dire consequences. Today around 12-12:30 PM Farooq Malik Sajid @ Sahid came behind my shop no. 1 where I was standing. Sajid @ Sahid was in front and Farooq Malik was behind him. Farooq looked at me and said that this is Ankur who considers a big leader here in the market, kill him right now, on this Sajid @ Sahid took out a pistol from his right hand, loaded it on my head, put the pistol on my head and kept pressing the trigger to fire, saying that today your story ends here, now you will get out the way of Farooq's forever, but even after pressing the trigger twice, the bullet did not fire and I pushed him and ran to the side, Sajid @ Sahid also caught me and ran behind me and I saw Farooq Malik who coming behind me with a sword like weapon in his hand. Meanwhile, hearing my noise, the labourer also ran towards us and gathered and surrounded Sajid and my friend Kamal who has a dhaba in the market, snatched the pistol from Sajid's hand and the crowd beating Sajid. When Farooq saw him being beaten he ran away and before

running away he kept saying to Sajid twice that hey, shoot, shoot and Sajid also ran away from the crowd in an injured condition and they did with full preparation and attacked me with the intention of killing me. If the bullet had been fired then they would have succeeded in their objective of killing me. I have handed over the magazine along with the pistol to you. I also feel that their friends may be involved in this conspiracy who while running away, Farooq had hit a laborer named Wasim on his leg, who, while running away, Sajid had also hit the butt of his pistol or my head, I was very badly scared by this whole Incident and I took a lot of time to become normal, now I have written a statement to you and have heard it, which is correct.”

4. It has been contended that no doubt, no specific injuries much less with a firearm have been attributed to the petitioner, however, the mode and manner in which the petitioner along with the co-accused came to the shop of the complainant, armed with a firearm, ‘knowledge’ and ‘intention’, which are essential ingredients of Section 307 of the IPC are clearly discernible in the present case. While further drawing the attention of this Court to para 4 of the reply, it has been submitted that after the complainant fled for his life and raised hue and cry, a crowd gathered at the spot and the petitioner was caught by the crowd, who then assaulted him. Hence, the injuries being referred to on his person by the petitioner were not at the hands of the complainant but at the hands of the crowd, which had gathered after a hue and cry was raised by the complainant herein. It has also been submitted that there was documentary evidence in the shape of a CCTV footage, wherein the

petitioner and the co-accused were not only clearly visible but the petitioner was also visible pointing his pistol towards the complainant and trying to fire towards him. Learned counsel has also submitted that co-accused Faruk Malik was also visible in the CCTV footage with two deadly weapons.

5. Learned counsel for U.T. Chandigarh has further submitted that the petitioner has since absconded and in addition to the present case, two more criminal cases already stand registered against him

6. In the facts and circumstances as enumerated hereinabove and in view of the averments made in the reply filed on behalf of the respondent-U.T. Chandigarh, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 21st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No