



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-63473-2024 (O&M)
Date of Decision:- 07.01.2025

Sanjay ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate, for the petitioner.

Mr. Pawan Girdhar, Addl. AG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
436	28.10.2023	Khedki Daula, District Gurugram	147, 148, 149, 285, 307, 323 IPC and Section 25 (1-B)(a) of Arms Act (Section 427, 506, 212 IPC and Section 27(2) of Arms Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.



2. The FIR was lodged at the instance of Jatin wherein it is alleged that on 25.10.2023 his uncle Joginder and Parasram were beaten by residents of village namely Hemant, Ankit and their friends. Later in the day when the complainant along with his brother Chirag @ Chintu, Lalit, Kapil and Yoginder went to Shishpal's office where the assailants were present so as to reason out with them, the accused however, got infuriated. It is alleged that Ankit took out a pistol and pointed towards them and told them to leave from that place. It is further alleged that while they were leaving, Kamal came there in a 'Brezza' car and started hurling abuses. Shortly thereafter a Scorpio vehicle also came there from which Shishpal, Sanjay (petitioner), Rohit came out armed with sticks and pistols and started abusing them. It is alleged that Ankit, Hemant and Sumit along with their friends who were sitting in the office also came out and they fired 2/3 shots in the air and started beating them with sticks. It is further stated therein that Shishpal fired from his pistol hitting Lalit. Sumit and Ankit also fired from pistols hitting Chirag's leg. Kamal is alleged to have fired with his pistol, but the complainant had a narrow escape. Complainant Jatin further alleged that Shishpal, Rohit, Kamal, Hemant, Ankit, Sanjay, Sumit and their friends gave beatings to them and also fired at them with an intention to kill them and later fled away.
3. Learned counsel for the petitioner submits that it is a case where Lalit and one Chirag were injured on account of the alleged beatings and



the fire-arm shots, but in any case, the petitioner is not attributed any of the fire-arm injuries.

4. Learned counsel further submitted that the falsity of the case would be evident from the fact that when complainant PW-1 Jatin as well as injured PW-2 Chirag stepped into the witness box, they did not support the case of the prosecution at all and did not identify the accused. It has further been submitted that the petitioner in any case has been behind bars for the last about 11 months and enjoys a clean record.
5. Opposing the petition, learned State counsel submitted that it is a case where the petitioner apparently has been successful in winning over the witnesses and that in any case since one of the injured is yet to be examined, it will not be safe to release him on bail at this stage. Learned State counsel however, has not disputed the fact that the petitioner has been behind bars for the last about 11 months and otherwise enjoys a clean record.
6. This Court has considered rival submissions addressed before this Court.
7. Having regard to the fact that the complainant Jatin as well as injured Chirag have already been examined and have not supported the case of prosecution at all and while also bearing in mind that the petitioner in any case is not attributed any injury to the injured and otherwise enjoys a clean record and as of now has been behind bars since the last about 11 months, his further detention will not serve any useful



purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.01.2025
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No