

CRM-M-27410-2024

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

CRM-M-27410-2024  
Date of Decision: 14.01.2025

Inderjeet ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Sihag, Advocate  
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
2073	06.12.2022	Shivaji Nagar, Gurugram	392, 394 IPC (Sections 397, 307, 120-B IPC and 25(1B) (a) of Arms Act added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC seeking regular bail.

2. Per paragraph 6 of the bail application, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	45/2017	-	307 IPC	Sector-37, Gurugram
2.	08/2023	-	385, 285 IPC, Arms Act	Sector-37, Gurugram
3.	395/2022	-	387, 506 IPC	Sector-37, Gurugram
4.	538/2019	-	NDPS Act	Shivaji Nagar

3. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

4. The petitioner's counsel makes the following submissions:-

*“i. The present petitioner is neither named in FIR nor is image has been captured in CCTV footage collected by the police pertaining to the said occurrence.*

ii. *The petitioner has been roped in the case by the prosecution after recording the alleged disclosure statement of one of the co-accused.*

iii. *Except then alleged disclosure statement, there is no admissible evidence against the petitioner which could connect him with the alleged offence in question. Interestingly, the petitioner was taken on production warrant while violating the provision of law and nothing has been recovered from the possession of the petitioner, even inspite his police remand.*

iv. *No test identification prayed has been conducted since the complainant refused to participate in the same.*

v. *Now the complainant eye witness and the injured person have already been examined and there is nothing coming against the petitioner from the evidence lead by the prosecution.*

vi. *Since disclosure statement has no evidentiary value and in this case except then the alleged disclosure statement there is no evidence against the petitioner which could connect him in any manner with the offence in the question. Now after the examination of the material witnesses there is no chance that the petitioner can tamper with the prosecution evidence, therefore, on the basis of these facts, he deserve regular bail.”*

5. The State’s counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:-

*“13. That the role of the petitioner in the present case is that the petitioner/accused hatched conspiracy with co-accused and arrange weapons for them. The petitioner alongwith him co accused had entered into jewellery shop of complaint's uncle while they were armed with pistol in order to commit dacoity and so much so a fire arms injury was caused to the jeweller as well. The incident had taken place in broad day light and that too in thickly populated market. The accused had snatched the mobile phone of the injured as well. The petitioner got recovered the pistol used by him in the incident and also demarcated the place of occurrence.”*

7. To analyze the submissions and the counter arguments, it shall be most appropriate to refer to the Examination-in-Chief of the injured Witness No. 2 Trilok Chand, which reads as follows:-

*“Stated that on 06.12.2022, at about 04/04:30 p.m. I was present in my jewellery shop with name & style "Shiv Jewellers" in shop no. 156/22. Om Nagar, Gali no. 1, Gurugram. Just then my nephew Devender came to my shop for getting change of Rs. 500/-. As I was talking to him, suddenly three persons came there out of them 2 came from front side door and I from back side door of the shop. All of them*

*are armed with weapons in their hands. The assailants were between the age of 20-25 years and all having muffled faces, They threatened me on gun point and told me to hand over all the jewellery of the shop. I resisted the same and just then the person came from back door of the shop fired at me and the bullet hit on my left side abdomen and the person came from front side door also fired at me but it didn't hit me. Thereafter, when we raised hue and cry, all three of them fled from the spot from front side door of the shop on a motorcycle and while retreating they took away my mobile phone from the counter of the shop. The mobile phone was make of 'Redmi' black-blue colour, having SIM no. 9911912808 & 9810302808. Thereafter, I was taken to Medanta Hospital, Gurugram by my nephew with the help of a neighbour. I was admitted in the Emergency ward of the said hospital, where I got the treatment. My statement was recorded by the police in this respect.*

*At this stage, on pendrive is taken out from envelop on the case file and played on the computer of the Court. I have seen the CCTV footage and I identify the place of occurrence as my shop, where I do the business of jewellery. It is clear from the CCTV footage that I was sitting on the counter and my nephew Devender was standing in the shop, when three assailants can be seen entering into the shop and pointing firearms towards me & my nephew. It is clear from the CCTV footage all three persons were carrying firearms in their hands and one gunshot injury was sustained by me on the left side of my abdomen. It is also clear from the CCTV footage that my mobile phone lying on the counter was taken away by one of the assailants. It is clear from the CCTV footage that a total of two gunshots were fired by the assailants while they remained inside the shop. It is further clear from CCTV footage that all three assailants came to the shop with muffled faces. CCTV footage also clearly shows that after sustaining gunshot injuries, I tried to snatch the firearm of one of the assailant who was in front of me and thereafter with bleeding abdomen I tried to catch the remaining assailants who ran away from the spot when I tried to catch them. CCTV footage clearly shows blood tripping from my gunshot wound and thereafter I sat on the sofa in front of the counter after the accused persons absconded. The pendrive is Ex.MO/1 (already exhibited) (objected to for mode of proof). The said pendrive was given by the investigating agency by my son Dev Soni.*

*At this stage, a sealed parcel having seals of 'DK' is produced in the Court and opened in the presence of learned defence counsel. A lower (light grey colour) and a hoody (light grey colour) were taken out from the same and witness identify the same to be the cloths worn by one of the assailant who fired at me. The said hoody is Ex.MO/2 & lower is Ex.MO/3.*

*After that the said case property is handed over to the Parokar of concerned police station.*

*At this stage, witness produced a mobile phone make "Redmi" black-blue colour and deposed that it was the same mobile phone taken away from the counter of my shop by one of the assailants on the*

*said date of incident. The said mobile phone was recovered by the investigating agency during investigation, which I later on got released from the Court on superdari. The said mobile phone is Ex.MO/4.*

*Since the assailants came to my shop in muffled face, I am not in a position to identify them today in the court.”*

8. Witness No. 1 also testified in similar terms and made a statement about the mobile but was not sure of its color.

9. The injured Witness No. 2 has clearly mentioned the mobile, its recovery by the Investigator, and its release to him by the Court. The investigator who recovered the mobile and the witnesses to such recovery have yet to be examined. The evidence collected so far clearly indicts and points towards the petitioner's and the co-accused involvement. The offense is heinous, and if the petitioner is granted bail, it is most likely to have an adverse impact on society's perception and would instill fear in the people and confidence in the accused, who already has a criminal history.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Given the minimum sentence prescribed for the offense, the petitioner's custody of around two years cannot be termed prolonged.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

14.01.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.