

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-6444-2025

Date of decision: 6th March, 2025

Om Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajiv Sharma, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 273 dated 01.09.2022 registered under Sections 148, 149, 307, 323, 325, 506 and 201 of IPC and Section 25 of Arms Act, 1959 at Police Station Sadar Ballabgarh, District Faridabad.

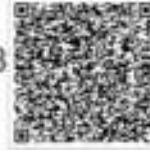
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Rekha, on the allegations that she had a plot on the market road of her village. Tower of JIO company was to be installed in this plot. Requisite permission had been given for that purpose by the concerned Government Departments. About six months back, process for installation of tower had started. At that time, the present petitioner and some other persons had opposed installation. They had even filed a case in the Court for grant of stay on installation but could not seek any favourable order. She further alleged that on 01.09.2022, the employees of JIO company had come to her plot for the purpose of installation of tower



but the petitioner and the co-accused started causing obstruction by throwing their material here and there. When the complainant and her family members came to know about this fact, they went to their plot. However, all of them were assaulted by the petitioner and the co-accused. The petitioner fired a shot with pistol thereby causing injury on her right leg. His son Shiva fired a shot thereby trying to kill her brother-in-law Sunil and co-accused Sonu and Rohtash fired shots at her husband and father-in-law but all of them had a narrow escape. Her sister-in-law sustained injuries at the hands of co-accused Hemant @ Kale and her other family members were also injured. After registration of FIR, investigation proceedings were initiated. The complainant and other injured were medico legally examined. The petitioner was arrested on 10.09.2024. Investigation has since been concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Most of the co-accused have been extended benefit of bail. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that on parity and otherwise also, he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that the allegations against the petitioner are grave in nature since by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, he had opened an attack upon the complainant and her family members. He had fired a shot with intent to kill the complainant. She had sustained injury which was obviously dangerous to life. He is a habitual offender as one case under Section 302 of IPC and another case under the provisions of IPC is pending against him. Recovery of pistol has been effected from him. The



victims are yet to be examined. There are chances of his intimidating them or absconding, if released on bail. His case cannot be stated to be at parity with the case of the co-accused. Therefore, it has been argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner by forming an unlawful assembly with the co-accused and in prosecution of a common object of that assembly is alleged to have assaulted the complainant and her family members on the fateful day. He is alleged to have fired a shot with a pistol on the complainant thereby injuring her right leg. The gravest injury as sustained by the members of the complainant party has been attributed to the petitioner. The apprehension that he may intimidate the witnesses, who have not been examined, cannot be stated to be unfounded at this stage. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*