

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

CRM-M-32131 of 2015

Date of decision: September 24, 2015

Surjeet @ Polu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Surjeet @ Polu, S/o Rajender Singh, R/o Village Beri, District Jhajjar at present H.No. 302/29, Ram Gopal Colony, Rohtak, who has been booked for having committed the offences punishable under Sections 195-A and 307 read with Section 34, IPC and Section 25 of the Arms Act, 1959, in a case arising out of FIR No. 238, dated 19.04.2015, registered at Police Station, Sadar Rohtak, District Rohtak.

Learned counsel contends that even if whole case of

the prosecution is taken at its face value, then also there is not an iota of legal evidence except the disclosure statement of the petitioner in the shape of confession, connecting the petitioner with the offences for which he has been booked; the petitioner was arrested in a case under Section 25 of the Arms Act, 1959, registered separately and thereafter, implicated in the present case; the petitioner is behind the bars in the present case from 14.5.2015 and after completion of the investigation the charge sheet (challan) has been presented. He further submits that the weapon of offence alleged to have been recovered from the petitioner would not corroborate the prosecution version that he fired a shot from the said firearm since the report of the firearm Expert is not against him. He also contends that previously the petitioner was involved in three cases but he has been acquitted in all said cases.

Learned counsel for the State on instructions from ASI Suresh Kumar of Police Station, Sadar, Rohtak, and going through the police file, very fairly concedes that except the disclosure statement of the petitioner, there is no other material to connect him with the offences for which he has been booked.

In view of the totality of the facts and circumstances of the case, the present petition is accepted. The petitioner, Surjeet @ Polu, S/o Rajender Singh, R/o Village Beri, District Jhajjar at present H.No. 302/29, Ram Gopal Colony, Rohtak, is directed to be released on bail during the pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹ 1,00,000/- (Rupees One Lac only) with

one surety in the like amount to the satisfaction of learned Chief
Judicial Magistrate/Duty Magistrate, Rohtak.

September 24, 2015
Poonam (II)

(NARESH KUMAR SANGHI)
JUDGE