

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57-2015

Date of Decision: February 12, 2015

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana,
for the respondent.

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, Parveen, son of Narender Singh, resident of Dhanvapour, Police Station, Rajendra Park, Gurgaon, who has been booked for having committed the offences punishable under Sections 120-B and 302, IPC, and Section 25 of the Arms Act, in a case arising out of FIR No. 55, dated 17.2.2014, registered at Police Station, Pataudi, District Gurgaon.

Learned counsel contends that as per the prosecution version the murder of one Sandeep was committed by means of a fire-arm by Raju and others on 17.2.2014 and thereafter Raju had

handed over the fire-arm used for committing the murder of Sandeep to the petitioner on the same day in the evening. He further contends that concededly the petitioner was not the member of the gang who committed the murder of Sandeep and at the best the petitioner can be considered to have committed the offence attracting the mischief of Section 201, IPC, which is bailable. He has further pointed out that as per the prosecution version the said fire-arm was further used for committing the offence punishable under Section 307, IPC, in the subsequent case wherein the petitioner and his co-accused were tried but acquitted. The order of acquittal would reveal that the version of the prosecution that the weapon received by the petitioner was used for commission of crime punishable under Section 307, IPC, is wrong. He further contends that the petitioner is behind the bars from 2.6.2014 and in spite of numerous opportunities granted to the prosecution, all the witnesses have not been examined.

Learned counsel for the State on instructions from ASI Ram Niwas of Police Station, Pataudi, District Gurgaon, very fairly concedes that except receiving of the fire-arm used for commission of the murder of Sandeep, there is no other evidence to connect the petitioner with the present case. He further concedes that in the subsequent case for the offence punishable

under Section 307, IPC, the petitioner and his co-accused have been acquitted by learned Trial Court on 18.12.2014.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Parveen, son of Narender Singh, resident of Dhanvapour, Police Station, Rajendra Park, Gurgaon, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds in the sum of Rs. 1,00,000/- (Rupees one lac only) with two sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

February 12, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE