

**Sr. No. 221
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-3139 of 2016
Date of Decision: 03.02.2016**

Yogender

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Tapan Kumar Yadav, Advocate,
for the petitioner.

Mr. Rajiv Doon, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.578 dated 02.09.2015, under Sections 307, 332, 353 of Indian Penal Code & Sections 25/54/59 of Arms Act, registered at Police Station Sector 10, Gurgaon.

Counsel for the parties have been heard.

Prosecution version in brief is that while conducting investigation in a separate FIR, secret information was received that the accused persons wanted in that case are travelling in a Santro car and are in possession of large quantity of arms and ammunition and proceedings towards a specific location and as such can be nabbed. Acting on such secret information, the Santro car was intercepted with great difficulty, and out of which co-accused Dharmender is stated to have alighted and fired a shot on the police party. The bullet is stated to have hit the Government vehicle on the left side of the front window. Co-accused Dharmender is then stated

to have targeted his pistol towards P/SI Pardhuman Singh and who in self-defence also fired a shot from his Government revolver which hit on the right leg of Dharmender. Insofar as the present petitioner is concerned, he is stated to have remained sitting in the car all through. Recovery of a pistol from the right pant pocket of the petitioner is stated to have been effected.

Petitioner has been in custody since 02.09.2015.

Even though offence under Section 307 IPC has been cited yet there is no attribution of any firing of a weapon to the present petitioner. Such an attribution is specifically made against co-accused Dharmender.

Learned State counsel has apprised the Court that investigation in the case is complete and challan has been presented and the charges have also been framed on 04.12.2015.

The trial is stated to be at the very initial stage and would take time to conclude.

In the totality of the circumstances and without making any observation on merits, petition is allowed. Petitioner is held entitled to the benefit of bail. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

Disposed of.

03.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**