

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

**Criminal Misc. No. M-35838 of 2016
Date of Decision:-21.10.2016**

Sunny Kumar @ Gahlia and another

...Petitioners

Versus

U.T. Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Durga Dutt Sharma, Advocate
for the petitioners.

Mr. Gautam Dutt, APP for U.T. Chandigarh.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pending trial in case FIR No.108 dated 9.7.2016, under Sections 307, 34 IPC (later on Sections 147, 148 and 149 IPC and Section 25/54/59 of Arms Act were added), registered at Police Station Sector 11, Chandigarh.

Learned counsel for the petitioners contends that no injury has been attributed to the petitioners. The only injury i.e. fire-arm injury has been attributed to accused Rahul, whose regular bail has been declined by this Court in CRM-M-33857 of 2016 titled 'Rahul and another vs. State of U.T. Chandigarh' vide order dated 30.9.2016. He further states that the petitioner No.1 Sunny Kumar @ Gahlia is in custody since 20.7.2016,

whereas petitioner No.2-Ashwani Kumar is in custody since 3.8.2016.

Learned counsel for the U.T. Chandigarh on instructions from the Investigating Officer does not dispute the aforesaid fact.

I have heard learned counsel for the parties.

Considering the fact that the petitioners are in custody since 20.7.2016 and 3.8.2016 respectively and no fire-arm injury has been attributed to them, I deem it appropriate to grant them the relief of regular bail.

Accordingly, the petition is **accepted**. The petitioners are admitted on regular bail on furnishing of their bail bonds and surety bonds subject to satisfaction of the learned trial Court.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the case and the trial Court shall decide the case on the basis of available evidence.

October 21, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No