

**Sr. No. 231
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M- 8801 of 2016 (O&M)

Date of Decision: 17.03.2016

Yogender @ Rinku

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Jai Vir Yadav, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.754 dated 18.08.2015, under Sections 148, 149, 307, 506 of Indian Penal Code and Sections 25/54/59 of Arms Act, registered at Police Station Gurgaon Sadar, District Gurgaon.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Narender.

It was asserted that on 18.08.2015 auto driver of Narender, namely, Sandeep had an altercation with one Pardeep son of Rati Ram regarding picking of some passengers. Thereafter, Pardeep is stated to have contacted the complainant to meet him at a particular spot to settle the matter. The complainant having arrived at such spot, Pardeep and Deepak @ Bholu along with 10-12 other boys in three different vehicles came present. Pardeep and Deepak were alleged to be armed with pistols and both of them are stated to have fired upon the complainant with an intention to kill. A shot is stated to

have hit driver Sandeep on his right arm.

Name of the petitioner does not even figure in the FIR.

It so transpires that petitioner was involved in FIR No.578 dated 02.09.2015 under Section 307, 332, 353 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Sector 10, Gurgaon and during the course of investigation, he is stated to have suffered a disclosure statement that he was also involved in the occurrence that took place pertaining to the FIR in question in the present case.

Petitioner has been shown to be arrested in the present case on 07.10.2015.

Even though offence under Section 307 IPC has been cited in the present FIR yet there is no attribution of any firing of a weapon by the petitioner. Such attribution is specifically against co-accused Pardeep and Deepak.

Investigation in the case is complete, challan stands presented and even charges have been framed on 16.03.2016. Prosecution evidence is yet to be led.

In view of the above and without making any observations on merits, petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

Disposed of.

17.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE