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

CRM-M No.1538 of 2017

Date of Decision: 24.01.2017

PARTAP @ LATHIA

.....Petitioner

Vs

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.92 dated 24.06.2016, registered under Sections 323/506/34 IPC and under Sections 304/34 IPC (added later on) at Police Station Sadar Rewari, District Rewari.

The FIR was got registered by one Sunil @ Sulli with the allegations that his brother Birender @ Neetu was away from house on 18.06.2016. Information was received from the Police that his brother had suffered injuries and was admitted in PGIMS Rohtak. On enquiry, it was revealed that Birender @ Neetu had received injuries at the hands of the accused-party. Initially FIR was registered under Sections 323, 506, 34 IPC. Birender @ Neetu died on 29.06.2016. Firstly offence under Section 302 IPC was inserted, however during investigation, the offence under Section 302 IPC was replaced with the offence

under Section 304 IPC. Petitioner was produced on production warrant on 16.08.2016.

Before the FIR in question and on the same date of occurrence i.e. 19.06.2016, Bhupinder son of Surender got registered FIR No.85 dated 19.06.2016 under Sections 148/149/307 IPC and under Section 25/54 of the Arms Act against the accused namely Sunil @ Khan, Mohit, Birender @ Neetu and Anil. The allegations were made that the complainant in the said case was jogging in the morning of 19.06.2016. On two motorcycles Anil, Mohit, Neetu and Sunil @ Khan along with one third person came there. Anil exhorted that Bhupender be shot at and thereafter Neetu alighted from the motorcycle and with an intention to kill, fired a shot on the chest of Bhupender. However, the weapon did not work. The complainant Bhupender son of Surender overpowered the weapon of Neetu. In the meanwhile, other persons also fired shots. On hearing the noise and raising alarm, many people attracted to the spot. While running, Neetu fell down in the pits of the road and got his leg fractured. He was caught by the villagers. A pistol was recovered from him by the villagers, which was subsequently handed over to the Police.

Learned counsel for the petitioner submitted that the lodging of the present FIR is the counter-blast to the FIR No.85 dated 19.06.2016 under Sections 148,149, 307 IPC and under Section 25/54 of the Arms Act, in which complainant-party Neetu (deceased) was one of the prime accused.

Learned counsel for the petitioner submitted that there is no *prima facie* evidence connecting the culpability of the petitioner viz.-a-viz. the injuries suffered by Neetu. A, CD was allegedly prepared by the villagers in respect of the occurrence

dated 19.06.2016, showing the culpability of the deceased Neetu and others, however the said CD was not taken in possession by the Police. Petitioner was also involved in a subsequent case under Section 306 IPC in which he was granted bail. Deceased Neetu was also involved in two more criminal cases.

At this stage, without meaning anything on merits of this case, I deem it appropriate to grant benefit of regular bail to the petitioner, who is in custody since 16.08.2016.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

January 24, 2017.

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No