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

**CRM-M No. 19349 of 2017
Date of Decision: 31.05.2017**

Atam Parkash

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. A.S. Sullar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.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. 337, dated 14.11.2016, under Sections 148, 149 and 307 I.P.C. and under Sections 25, 27, 54/59 of the Arms Act, registered at Police Station City Mandi Dabwali, District Sirsa.

The F.I.R. was registered at the instance of Mukhpal Singh. The petitioner was alleged to be the driver of the motorcycle on which Rimpay was a pillion rider, who opened fire on the complainant. Though, in the F.I.R., the petitioner was shown to be rider on the motorcycle, but in the disclosure

statement of the petitioner, during course of investigation, it has been, *prima-facie*, established that the petitioner was not the pillion rider, rather he was driving the motorcycle, from where Rimpay allegedly opened fire on the complainant. No recovery was effected from the petitioner.

Bail has been declined to the petitioner on the premise that he has caused injury to Sukhpal Singh and is a member of gang belonging to Jagga Singh Brar.

In F.I.R. No. 148, dated 17.11.2016, under Sections 307 and 120-B I.P.C. and under Section 25 of the Arms Act, registered at Police Station Sangat, District Bhatinda, petitioner was not an accused nor any accused has made any disclosure statement in respect of complicity of the petitioner in the said case. The question of injury inflicted to Sukhpal Singh, brother of the complainant, does not arise at all.

It appears that factual premise is something different than the one placed before the trial Court, while rejecting bail to the petitioner.

Learned State counsel on instructions from A.S.I. Ram Singh submitted that no recovery has been effected in the present case.

Petitioner is in custody since 20.01.2017.

Petitioner was driver of the motorcycle from where co-accused Rimpny allegedly opened fire upon the complainant. The petitioner is also involved in F.I.R. No. 121 of 2016, under Sections 323 and 506 I.P.C., registered at Police Station Dabwali, in which he is on bail.

Learned State counsel on instructions from A.S.I. Ram Singh further submitted that challan has already been presented. Now, the next date fixed before the trial Court is 02.06.2017.

At this stage, without adverting to merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 31, 2017

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No