

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

**CRM-M-29264-2017
Date of decision :23.08.2017**

Gurinder @ Kala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Parveen Kumar Rohilia, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Dheeraj Mahajan, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail FIR No.374 dated 20.04.2017 under Sections 148, 149, 307, 427, 506 IPC and Section 25 of the Arms Act, registered with Police Station City Thanesar, District Kurukshetra.

In nutshell, the facts of the case are that complainant-Om Parkash son of Rameshwar Dutt, resident of Darra Khera had reported the matter to police of Police Station Thanesar that on 20.04.2017 at about 5:30 p.m., Sukhbir along with Ram Kumar, Sanjeev, Chirag, father of Chirag, Kulwant, Deepu (body builder), Sahil Khan, Jallandhar, Balwan and

Sarpanch of village Sandir and 70-80 persons while armed with deadly weapons like *lathis*, *dandas* and swords tried to take possession of vacant *shamlat* land from him and in the process, gun shots were fire. However, when they offered resistance by throwing brickbats, the assailants ran away. On the basis of said statement, formal FIR was registered.

Petitioner – Gurinder @ Kala is in custody since 08.06.2017.

I have heard learned counsel for the petitioner, learned counsel for the complainant as well as learned State counsel, besides, going through the record.

Learned counsel for the petitioner has submitted that the petitioner has not named in the FIR, fortunately there was no causality in the incident. It is further stated that co-accused of the petitioners namely Sunil Kumar, CRM-M-24930-2017; Mehardeen @ Sahil Khan and Ravinder Alia Binda, CRM-M-18682-2017; Sandeep @ Dipu, CRM-M-21937 of 2017; Sawaran Singh, CRM-M-22645-2017 have been granted pre-arrest bail by this Court vide order dated 02.08.2017 and his co-accused-Hardeep Singh @ Kalu in CRM-M-25727-2017 was granted regular bail by this Court vide order dated 02.08.2017 and prayed that the petitioner be also granted the concession of regular bail under similar circumstances.

Learned counsel for the complainant as well as learned State counsel contended that keeping in view the seriousness of allegations regular bail may not be granted to the petitioner.

However, after considering rival contentions I am of the view that the petition deserve to be allowed. Moreover, conclusion of trial will take long time, his guilt shall be established during the trial. Hence no useful purpose will be served by keeping him behind the bars any more.

Therefore, in view of the abovesaid circumstances, petition is accepted. Petitioner- Gurinder @ Kala be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, Kurukshetra.

It is clarified that in case the petitioner is found indulging in any criminal act after being granted bail, the prosecution would be entitled to approach the Court seeking cancellation of the bail.

The petition is allowed accordingly.

23.08.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**