

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

CRM-M No. 3015 of 2017

Date of Decision: 22.02.2017

RUKMA @ RUKAMDEEP

-PETITIONER

VS

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has filed this petition for grant of regular bail in case bearing FIR No. 280 dated 15.10.2016 under Sections 148/149/186/353/307/427/506 of IPC and 25-54-59 of Arms Act registered at Police Station Kunjpura, District Karnal.

The prosecution story started with the allegations that on the basis of secret information, the police formed two teams. One team was under the command of the Investigating Officer and the second team was headed by ASI Singhraj. Both the teams were issued ammunition for the weapons. The complainant informed all the employees about the secret information and gave them the proper instructions. When the police party reached on pulia, then from the U.P. side of river Yamuna, 4-5 lights of the cars were seen coming towards them. The accompanying staff was instructed and the incoming cars were sought to be stopped by

way of showing torch lights. All the cars came to be halted at a distance of about 1 killa. Out of the car, 30-40 persons got down. All of them started raising lalkara that the Haryana Police be taught a lesson. Thereafter, they started firing upon the police party. The police party hide themselves, but the smugglers kept on firing at the police party. The bullets passed through the ears of the complainant and the fellow companions by creating a sound. The police party also fired back and the cow smugglers hit their vehicle straightway into the vehicle of the complainant and also kept on firing. They also broke the car by pelting stones and bricks and by taking advantage of darkness, they fled away from the spot along with their respective vehicles and weapons.

According to the complainant, 15-15 rounds of AK-47 were fired by ASI Bhale Ram and EHC Naresh Kumar. 10 rounds were fired by ASI Singh Raj, 4 round were fired by ASI Shailender, 6 rounds were fired by SI Rakesh Kumar, 6 rounds by HC Ravinder Singh and two rounds by the complainant-SI.

Apparently, none was injured from either side. The damage to the official car was done by the TATA 407 of the assailant party. Said TATA 407 has not been recovered.

According to the complainant, the petitioner was arrested on 17.10.2016 and his disclosure statement was recorded but no recovery could be effected from him. Prosecution also failed to get his extended remand.

Petitioner was allegedly identified by Rajinder Kumar

and Bhim Singh who are not residents of the village of the petitioner.

At this juncture, it would be a debatable issue as to whether statement of the petitioner in police custody would be hit by Section 25 or 27 of the Evidence Act.

Petitioner is in custody since 17.10.2016. Challan has already been presented qua the petitioner.

In view of above, I deem it appropriate to grant benefit of regular bail to the petitioner. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds/surety bonds subject 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.

22.02.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No