

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2017.09.06 16:50
I attest to the accuracy and
integrity of this document

CRM-M No.31852 of 2017 (O&M)
Date of decision: 05.09.2017

Vipin ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.N.Sahu, Advocate, for the petitioner.

Mr. Naveen Kaushik, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.125 dated 23.02.2015, under Sections 148, 149, 302 IPC & Sections 25, 54, 59 of Arms Act and Sections 216 and 120-B IPC added later on, registered at Police Station Jhajjar.

Counsel for the petitioner submits that the petitioner was arrested on 20.06.2015 in another FIR and on the basis of disclosure statement, he has been involved in the present FIR by invoking Section 120-B as it has come in his disclosure statement that he was also one of the occupant of 3rd car. It is further submitted that the petitioner is not named in the present FIR as no role has been attributed to him and the main conspirator i.e. Seema, wife of Surender @ Sunda, has already been granted regular bail by this Court in CRM-M-20403 of 2015 vide order dated 30.10.2015. It is also submitted that two of the accused, namely, Sorabh and Harkesh, who were declared juvenile, have also been granted concession of regular bail by the Juvenile Justice Board. It is further submitted that out of 37 prosecution witnesses, only 01 witness has been examined and as per the statement of the complainant, no role has been attributed to the petitioner as the petitioner was not named in the FIR.

On the other hand, learned State counsel, on instructions from ASI Rohtash, has opposed the bail application on the ground that the petitioner is involved in two more FIRs i.e. FIR No. 182, dated 15.05.2015, registered under section 302 IPC, Police Station, Sohna, Gurgaon and FIR No. 134 dated 14.04.2015, under Section 302, 476, 120-B and 34 IPC and 25, 54, 59 of Arms Act, Police Station Udyog Vihar, Gurgaon and he is in custody in both the cases and has not been granted bail.

After hearing learned counsel for the parties, without commenting on the merits of the case, I find that since no specific role has been attributed to the petitioner in this FIR and only evidence against the petitioner is his disclosure statement, which was recorded when he was in custody in the other FIR, the present petition for grant of regular bail, in this FIR is allowed subject to his furnishing bail / heavy surety bond to the satisfaction of the trial Court/Illaqa Magistrate.

However, it is made clear that since the petitioner, who is involved in other FIRs, he shall not be released till he is granted bail in the aforesaid two other FIRs.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

05.09.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No