

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

**CRM-M-34070-2017 (O&M)
Date of decision: - 21.9.2017**

Vijay Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Arjun Atri, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 453 dated 13.7.2017 under Sections 148, 149, 307, 506 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Badshahpur, District Gurgaon, Haryana.

Learned counsel for the petitioner submits that petitioner was arrested on 12.8.2017 on the disclosure statement of co-accused Sonu and the petitioner was not named in the FIR. He further submits that six co-accused have already been arrested and two co-accused have been granted anticipatory bail vide order dated 8.9.2017 passed in CRM-M-33251-2017, Jai Raj and another vs. State of Haryana.

It is further submitted that no one was injured in the alleged occurrence and no recovery was effected from the present petitioner.

On the other hand, learned State counsel, on instructions from ASI Anil Kumar, has not disputed the fact that the petitioner is in judicial lock up

since 12.8.2017 and that no one was injured in this incident. However, learned State counsel has opposed the concession of bail on the ground that five accused are yet to be arrested and challan is yet to be present.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

21.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No