

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

**CRM No.M-34861 of 2017
Decided on: 06.10.2017**

Vikas @ Vicky

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Nupur Choudhary, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.38 dated 10.02.2017, for offence punishable under Sections 186, 332, 353, 307 of the Indian Penal Code, 1860 (in short 'IPC') read with Sections 25/54/59 of the Arms Act, registered in Police Station Sadar Gohana, District Sonapat.

Counsel for the petitioner has submitted that as per the version given in the FIR on 10.02.2017, the police party consisting of 27 officials had gone to arrest one person namely Ravinder and on account of firing between them, the said Ravinder along with one Deepak died and another person namely Sagar was injured. Counsel for the petitioner has further referred to the allegations in the FIR with regard to the petitioner, who is referred to as 4th boy, where it is alleged that the petitioner fired upon Constable Sanjay with intention to kill him then SI Shriniwas in order to save the colleagues fired in air. The

petitioner fell down while trying to run away and he was overpowered by HC Rajmohan and Constable Sanjay. Counsel for the petitioner has further submitted that no injury is attributed to the petitioner and the fire arm which was allegedly recovered from the petitioner has been sent to the Forensic Science Laboratory (FSL) for seeking report if it was in working condition and if it was used in commission of offence and the report of the FSL is still awaited. It is further submitted that investigation in the case is already complete and the report under Section 173 Cr.P.C. has been submitted before the trial Court and in the list of witnesses attached with the report, no witness is cited by the name of Constable Sanjay and thus, it is submitted that presence of this official i.e. Constable Sanjay is highly doubtful.

Counsel for the petitioner has also submitted that the petitioner has a good academic record and he is holding the qualification of B.A., B.Ed. and he has also cleared the CTET examination. It is further submitted that the petitioner is not involved in any other FIR and is not required for any further custodial interrogation as the challan has already been presented in the Court. It has also been submitted that three of the co-accused of the petitioner namely Sonu, Sombir and Sandeep have already been granted the concession of regular bail by the trial Court.

On the other hand, counsel for the State, on instructions from ASI Ramesh Chander, has not disputed the factual position, however, opposed the bail on the ground that the petitioner was accompanying the co-accused Ravinder who was wanted by the police.

After hearing counsel for the parties, without meaning to

express any opinion on merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.10.2017
yakub

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