

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

**CRM-M-35318-2017 (O&M)
Date of decision: - 26.9.2017**

Gurcharan Singh **.....Petitioner**

versus

State of Haryana **.....Respondent**

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

Present: - Mr. Deepak Saini, 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. 212 dated 8.6.2017 under Sections 148/149/323/307 IPC and Sections 25/54/59 of Arms Act, P. S. Kurukshetra.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and is involved on the basis of disclosure statement of co-accused- Manoj. He further submits that as per the disclosure statement of Manoj, petitioner was one of the business partner and had conspired to teach a lesson to complainant party and on the given date and time of the occurrence, he was driving a motor cycle whereas the said Manoj Kumar was driving a Xylo vehicle.

Learned counsel for the petitioner refers to FIR, wherein it is not mentioned that any motor cycle was also involved in the commission of crime as it is alleged in the FIR that only three cars i.e. Mahindera Xylo, Crusier, Balero

were involved in which 15 to 20 persons were sitting. He further submits that in pursuance to the disclosure of Manoj, the petitioner was arrested, however, no recovery was made from the petitioner.

On the other hand, learned State counsel, on instructions from SI Suresh Kumar, submits that arrest of the petitioner as per the disclosure statement of Manoj with reference to FIR is not disputed but opposed the bail on the ground that the petitioner is involved in two other FIRs pertaining to the year 2015.

In reply, learned counsel for the petitioner submits that in one of the FIRs, matter has already been compromised and in the other case, he has been granted regular bail.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

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

26.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No