

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

CRM-M No.4563 of 2017

Date of Decision: 21.02.2017

BHUPINDER SINGH AND ANOTHER

-PETITIONERS

VS

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

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

RAJ MOHAN SINGH, J. (ORAL)

Petitioners seek grant of regular bail in case bearing
FIR No.92 dated 24.06.2016 under Sections 323/506/34 IPC
(offence under Section 304/34 IPC added later on) registered at
Police Station Sadar Rewari, District Rewari.

The FIR was registered at the instance of one Sunil
@ Sulli with the allegations that his brother Birender @ Neetu
had gone out of village on 18.06.2016. Thereafter, an intimation

was received from the police that his brother had suffered injuries and was admitted in PGIMS, Rohtak. Birender @ Neetu had received injuries at the hands of accused party as per the inquiry of the complainant party. Initially, FIR was registered under Sections 323/506/34 IPC, but after the death of Birender @ Neetu on 29.06.2016, offence under Section 302 IPC was added. However, during investigation, offence under Section 302 IPC was converted into offence under Section 304 IPC.

Prior to lodging of the FIR, an FIR No.85 dated 19.06.2016 under Sections 148, 149, 307 IPC and Section 25 of the Arms Act was registered at the instance of Bhupinder son of Surender Singh against Sunil @ Khan, Mohit, Birender @ Neetu and Anil. In the said case, allegations were made that when petitioner No.1 Bhupinder was jogging in the morning of 19.06.2016, then Anil, Mohit, Sunil @ Khan along with one third person came there on two motorcycle. Anil exhorted that Bhupinder be shot at and thereafter Neetu alighted from the motorcycle and with an intention to kill, fired a shot on the chest

of Bhupinder. However, the weapon did not work. Bhupinder overpowered the weapon of Neetu. In the meanwhile, other persons also fired shots. On raising alarm, many people came to the spot. While running, Neetu fell down in the pits of the road and got his leg fractured. He was captured by the villagers and his pistol was taken by the villagers which was subsequently handed over to the police.

Learned counsel for the petitioner submitted that lodging of the present FIR is the counter blast to the FIR lodged by them on 19.06.2016. Co-accused Partap @ Lathia has already been granted regular bail by this Court in **CRM-M No. 1538 of 2017 titled as Partap @ Lathia vs State of Haryana** on 24.01.2017.

Learned State counsel on instructions from HC Anil Kumar tries to distinguish the role played by the petitioners vis-a-vis the role attributed to Partap @ Lathia.

Prima-facie it appears that the allegations forming subject matter of FIR No.92 dated 24.06.2016 are based on

hearsay as the injured was found hospitalized in PGIMS, Rohtak.

Petitioners are in custody since 18.07.2016 and 04.10.2016 respectively. Out of total 17 witnesses, 4 prosecution witnesses have been examined and next date fixed before the trial Court is 01.03.2017.

At this stage, without embarking upon merits of the case, I deem it appropriate to grant regular bail to the petitioners.

In view of above, the petitioners are ordered to be released on regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

21.02.2017

jyoti Y.

(RAJ MOHAN SINGH)

JUDGE

Whether speaking/reasoned Yes/No