

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

CRM-M No.8324 of 2017

Date of Decision: 16.03.2017

Sharvan

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Nehra, Advocate,
for the petitioner.

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

RAJ MOHAN SINGH, J.(Oral)

Prayer in this petition is for grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 178 dated 21.07.2016, under Sections 148, 149, 186, 332, 353, 307 and 225 I.P.C. and under Section 25 of the Arms Act, registered at Police Station Baroda, District Sonapat.

The allegations are that petitioner, along with other co-accused, was wanted in FIR No. 129 dated 07.06.2015, under Sections 148, 149, 323, 307 and 302 I.P.C., registered at Police Station Baroda. According to information, a raid was

conducted on the house of Mahender in Village Ahulana. Mahender did not open the door of the house. On the asking of the police, wife of Mahender opened the door and raised alarm. The allegations are that Sharvan and Ajay came outside the house. Ajay was having a gun and pointed the gun towards the police party. Women folk of the house and other persons surrounded the police and started scuffling with them. Resultantly, uniform of ASI Kanwarbhan was torn. Thereafter, the accused party raised alarm and accused Ajay and the petitioner succeeded in fleeing from the spot. Ajay, by taking the benefit of safe passage, went to the roof of the house and fired directly at the police party, but did not hit anyone. With these allegations, the FIR came to be registered.

During course of arguments, it transpires that in FIR No. 129 dated 07.06.2015, the petitioner has already been granted regular bail by the Additional Sessions Judge, and other co-accused, except Ajay have also been granted regular bail by the trial Court.

In the present case, no overt act has been attributed to the petitioner, except his presence in the house and ultimately fleeing from the spot with the aid of women folk and other family members of Mahender.

The petitioner is in custody since 13.09.2016. Challan has already been submitted to the Court. No prosecution witness has been examined so far.

These facts have been admitted by learned State counsel on the instructions of Sub Inspector Chander Bhan.

In view of the aforesaid, without adverting to the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

March 16, 2017.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No