

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

CRM-M-14576-2018

Date of decision:27.09.2018

Bhupender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by ASI Raj Kumar.

Mr. G.C. Shahpuri, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.45 dated 23.02.2017 under Sections 148, 149, 323, 452, 307, 120-B of Indian Penal Code, 1860 and Section 25, 54, 59 of the Arms Act, Police Station Farrukhnagar, District Gurugram.

The FIR was lodged at the instance of Prem Chand who alleged that on the day of occurrence i.e. 23.02.2017 when he was sitting

in his house along with his gunman Constable Sunil Kumar then three boys entered his house and started firing upon him. The complainant however, took the shelter of a door. The gunman of the complainant i.e. C. Sunil Kumar chased the assailants who fled away. It was noticed that while three persons had entered the house of the complainant, two persons were waiting outside the house on motorcycle. While the accused were trying to flee away from the spot, the motorcycle slipped down and the petitioner Bhupinder was nabbed at the spot by the villagers.

Notice of the petition was issued to the respondent-State.

Learned State counsel assisted by learned counsel for the complainant opposed the petition and prayed for dismissal of the petition.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that although the allegations are there that three persons had entered the house of the complainant and had fired shots but neither the complainant nor anybody else present in the house was injured, which clearly indicates that a concocted version has been put forth by the complainant in the FIR.

On the other hand learned State counsel submits that in fact the petitioner is already facing several other trials and that earlier son of the complainant had been murdered and that the accused in the said case were trying to intimidate the complainant. The learned State counsel has submitted that the empty cartridge cases lifted from the spot were sent for forensic examination and which had been found to be matching with the pistol recovered from the present petitioner. It has thus been prayed that no case is made out for grant of bail to the petitioner.

Having regard to the abovesaid facts and circumstances, especially bearing in mind the fact that the petitioner has been in custody since the last one year and seven months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The conclusion of trial, in its normal course, is likely to take some time. Accordingly, petitioner-Bhupender is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Gurugram.

It is however, made clear that in case, the petitioner is found to intimidate any of the witness or tries to tamper with the prosecution evidence, the prosecution would be at liberty to move an application for cancellation of bail.

Prosecution is further directed to get the statement of PW-C.Sunil Kumar recorded on the next date of hearing positively.

This petition stands accepted accordingly.

27.09.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**