

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15695-2018

DATE OF DECISION :- July 04, 2018

MEER AHMAD @ GOLA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.C. Shahpuri, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner Meer Ahmad @ Gola seeks grant of regular bail in a case registered against him vide FIR No. 236 dated 01.11.2016, under Sections 279, 307, 429, 34 of Indian Penal Code, 25, 54, 59 of Arms Act and 13(II) of Gau Sanrakshan & Gau Samvardhan Act 2015 at Police Station Sadar Yamuna Nagar.

The allegations as per FIR are that deceased Rishi Pal alongwith Abdul Rahim were going on a tractor trolley, which was driven by Abdul Rahim while Rishi Pal was sitting on the mudguard. The said tractor trolley got stuck under a bridge due to height limitations. While Rishi Pal was trying to remove the obstruction, one Mahindra Pick-up came from behind, which also got stuck into the tractor trolley. It is alleged that in the meanwhile two persons alighted from said Mahindra Pick-up and started firing and some other persons who were following the said Mahindra Pick-up fired back. It is alleged that subsequently the driver of Mahindra Pick-up

reversed the vehicle and ran away from the spot and the other vehicle which was following Mahindra Pick-up also sped away from there. Subsequently, the complainant noticed that Rishi Pal had sustained bullet injuries and took him to Civil Hospital Yamuna Nagar from where he was referred at PGI, Chandigarh. Due to serious injuries, Rishi Pal was got admitted in Gauba Hospital, Yamuna Nagar. The complainant has further alleged that subsequently he got to know the registration number of Mahindra Pick-up as No. PB-11BK-1036 in which animals had been loaded and the said vehicle was being followed by 'Gau Rakshak Dal' and he believes that Rishi Pal had sustained injuries from the gun-shot fired by driver of Mahindra Pick-up i.e. the petitioner.

I have heard learned counsel for the petitioner and learned State counsel.

It has been informed that though Rishi Pal had subsequently expired after one year from the occurrence but his death was natural and not on account of the injuries sustained in the occurrence in question. It is not disputed that there was cross-fire between the occupants of Mahindra Pick-up and another vehicle, which was following it. It is also not in dispute that while the tractor trolley had got stuck under the bridge, the Mahindra Pick-up had reached thereafter and stuck into tractor trolley and that the said Mahindra Pick-up was being followed by another vehicle. As per FIR, it was only after the Mahindra Pick-up and the other vehicle had sped away from the spot that he came to know that Rishipal had also sustained injuries. It is debatable as to whether he sustained injuries on account of shot fired by occupants/driver of Mahindra Pick-up or on account of shot fired by occupants of the other vehicle following Mahindra Pick-up.

The petitioner has been behind bars since last more than six months. No useful purpose would be served by further detaining him in judicial custody. The conclusion of the trial is likely to take some time. The present petition, as such, is allowed. The petitioner Meer Ahmad @ Gola is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

July 04, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No