

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

**CRM-M-18563-2018
Date of decision:29.11.2018**

Suraj Kumar @ Bhukh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Varinder Bara, Advocate for
Mr. Karanjit Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in respect of FIR No.113 dated 05.05.2016 under Sections 302, 307, 148, 149, 120-B of Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of Arms Act, registered at Police Station Sultanwind, District Amritsar.

The FIR was registered at the instance of complainant-Vishal Kumar who has stated that on the day of occurrence he along with Baga @ Sunny, Rahul @ Hariya, Deepu, Vicky and Ajay were returning back after attending marriage. On the way, they were way laid Bobby

Malhotra, Kaddu @ Gaurav Gicky, Shiva, Pawan @ Tamba, Suraj @ Bhukh, Arun, who were armed with pistols and revolvers and out of whom Bobby raised '*Lalkara*' and fired a shot hitting the head of the complainant's brother and thereafter the accused fired several shots hitting complainant's brother namely Hariya in stomach and which also hit Deepu and Bawa. It is the case of prosecution that Hariya succumbed to his injuries while Deepak @ Deepu and Baga @ Sunny also sustained injuries.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case inasmuch as he is not named in the FIR and in any case he has been behind bars since last about 1 ½ years and that 6 out of 19 co-accused have already granted bail.

On the other hand learned State counsel while opposing bail application has submitted that since serious allegations have been levelled against the accused no case for grant of bail is made out.

Having considered rival contentions addressed before this court and without commenting on merits of the case and bearing in mind that the petitioner has not been named in the FIR and has been behind bars since 1 ½ years and also on ground of parity, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Suraj Kumar @ Bhukh 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, Amritsar.

It is, however, clarified that none of the observations made

above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

29.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**