

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

CRM-M-31730-2018
Date of decision:01.08.2018

Yunus

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Dinesh Arora, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
assisted by SI Jagdish Chander.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.256 dated 20.06.2018 under Sections 323, 307, 34 of Indian Penal Code, 1860 and Sections 25, 54, 59 of Arms Act registered with Police Station Sector 9-A, District Gurugram.

The FIR in the present case was lodged at the instance of Sunil Kataria who alleged that on the day of occurrence while he was out of his house and was talking on the phone then a lady namely Sapna wife of Yunus came there and objected that why he (complainant) had blocked

the way and started abusing him. It is further alleged that shortly thereafter when he (complainant) along with his friend Chinku was standing behind the CRP building Mandir, then Sapna along with her husband came there and started giving fist and slap blows and Sapna took out a country made pistol from pocket of her trousers and fired a shot, though the bullet did not hit the complainant. It is further alleged that one Bhura also came there and started abusing the complainant and snatched country made pistol from the hands of Sapna and ran away.

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

Learned counsel for the petitioner has submitted that petitioner-Yunus is not the husband of the main accused-Sapna who is alleged to have fired and as such cannot be connected with the occurrence. He has further submitted that in any case, no one was injured during the alleged firing.

On the other hand, learned State counsel has submitted that as per evidence collected by the investigating agency, it is found that although petitioner is not married with co-accused Sapna, but they are residing together. It is further submitted that co-accused Bhura is yet to be arrested.

Having regard to the abovesaid facts and circumstances, especially bearing in mind the fact that no one was injured in the alleged occurrence, in my opinion, it is a fit case for grant of regular bail to the petitioner. Accordingly, petitioner-Yunus 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, 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.

01.08.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**