

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

**CRM-M-39576-2018 (O&M)
Date of decision:23.10.2018**

Surender

.....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.

GURVINDER SINGH GILL, J. (ORAL)

CRM-33635-2018

Learned counsel for the applicant/petitioner submits that he may be permitted to withdraw the application.

In view of the aforesaid submission, the application is dismissed as withdrawn.

Main Case

The petitioner seeks grant of regular bail in case registered vide FIR No.358 dated 13.12.2017 under Sections 307, 387, 34, 120-B of

Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station New Colony, Gurugram, District Gurugram.

The FIR was lodged at the instance of Raj Kishore who has alleged that on the day of occurrence at about 2:45 p.m. when he was present in Harish Bakery Shop where he was working as a Cashier, then one boy wearing blue colour jacket and jeans came there and gave him a slip, and while he was reading the slip, the said boy fired at him and that the bullet after hitting the keyboard of the computer hit his index finger.

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

Learned counsel for the petitioner submits that he has falsely been involved in the present case and is not even named in the FIR and is sought to be implicated on the basis of disclosure statement of co-accused.

On the other hand, learned State counsel has submitted that in fact one Ashok who was already in custody had initially made a disclosure statement on 22.12.2017 that while in Jhajjar jail, he was feeling distressed and that when was on parole had had met one Aman and had asked him to get the petitioner involved in some other case so that he can be transferred from 'Jhajjar Jail' to 'Gurugram Jail'. It is further the case of the prosecution that on the next day i.e. on 23.12.2017 another disclosure was made by aforesaid Ashok wherein he stated that in fact he had infact been in touch with one Anil and Dheeraj for getting him implicated in some another case.

It has further been submitted that said Dheeraj was arrested and who made a disclosure statement that petitioner was also involved in

the said conspiracy and that a pistol was also recovered from petitioner.

Having regard to the abovesaid facts and circumstances, especially bearing in mind the fact that the petitioner is not named in the FIR and is sought to be implicated on the basis of disclosure statement of co-accused and only a minor injury has been inflicted on the index finger of the complainant, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Surender is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court.

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.

**(GURVINDER SINGH GILL)
JUDGE**

23.10.2018
Gaurav Sorot

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

Whether reportable? **Yes / No**