

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

CRM-M-43364-2018(O&M)

Date of decision : 05.10.2018

Keshav

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Saini, Advocate for the petitioner.

Mr.Sandeep Vashisht, DAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner Keshav seeks grant of regular bail in a case registered against him vide FIR No. 602 dated 06.07.2018, under Sections 307/34 of Indian Penal Code, 1860 and 25, 27, 54 AND 59 of Arms Act, 1959 at Police Station Model Town, Panipat.

The FIR was lodged at the instance of Gaurav Kapoor who alleged that on the day of occurrence at about 11 P.M., he received call on his mobile phone from his friend Vishal who informed him about a quarrel and the complainant informed his brother Deepak Sharma about the same and they came out in the street. It is alleged that in the meantime Vishal Sharma came there. Thereafter, somebody came and informed Vishal that the person with whom he had a quarrel were following him and upon which the complainant advised Vishal to go home. It is alleged that in the meantime some persons came there running and the complainant went inside his home along with Deepak Sharma but the said persons fired three shots from their weapons but the complainant managed to save himself.

Notice of this petition was issued to the State. The learned State counsel is opposing the petition.

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

On the other hand, learned State Counsel has submitted that since name of the petitioner has been disclosed by the co-accused himself, there is no ground for grant of regular bail.

I have considered the rival submissions addressed before this Court.

Keeping in mind the fact that the petitioner is not named in the FIR and his name has surfaced in the disclosure statement allegedly made by co-accused Gulshan and also the fact that the petitioner has been behind bars since the last about three months and that the challan has already been presented, in my opinion, no useful purpose would be served by further detaining him behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

05.10.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No