

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45671-2018 (O&M)

Date of Decision:- 3.12.2018

Gulshan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bansal, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Gulshan 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 and 27 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.

On the other hand, learned State Counsel has submitted that it was pursuant to recording of statement of Somnath Kapoor, father of the complainant that the petitioner was arrested and that it was pursuant to petitioner's disclosure statement that a licenced pistol was recovered. It has further been submitted that the petitioner cannot even claim parity with the co-accused, who had earlier been granted bail, since no recovery was effected from them. It has been pointed out that the petitioner had earlier been convicted in another identical case also and is thus not entitled for grant of bail.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner was initially not named in the FIR and came to be nominated subsequently on the basis of statement of father of the complainant and also that he has been behind bars for the last about 9 months and challan has already been presented and that nobody was injured in the present case, 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.

December 3, 2018
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No