

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

CRM-M-49686-2018 (O&M)

Date of Decision:-20.11.2018

Rohit

... 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. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.45 dated 23.2.2017 under Sections 148, 149, 323, 452, 307 and 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Farrukhnagar, Gurugram, District Gurugram.

The FIR was lodged at the instance of Prem Chand who alleged that on the day of occurrence i.e. 23.02.2017 when he was sitting in his house along with his gunman Constable Sunil Kumar then three boys entered his house and started firing upon him. The complainant however, took the shelter of a door. The gunman of the complainant i.e. C. Sunil Kumar chased the assailants who fled away. It was noticed that while three persons had entered the house of the complainant, two persons were waiting outside the house on motorcycle. While the accused were trying to flee away

from the spot, the motorcycle slipped down and the co-accused Bhupender was nabbed at the spot by the villagers.

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

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and is infact sought to be involved solely on the basis of disclosure statement of co-accused Bhupender recorded on 24.2.2017 and that in any case, the evidentiary value of such disclosure statement is yet to be tested at the time of trial. The learned counsel has further submitted that the petitioner, in any case, deserves the concession of bail on grounds of parity inasmuch as Bhupender, who was arrested at the spot, as well as Chetan and Deepak, who were also named by Bhupender, have already been granted bail.

On the other hand, the learned State counsel has submitted that the complicity of the petitioner is evident from the fact that pursuant to the disclosure statement made by the present petitioner, two pistols and two live cartridges have been recovered.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the petitioner is being involved mainly on the basis of a disclosure statement made by co-accused and that in any case he has been behind bars since the last more one year and six months and no injury was suffered by the complainant and also that the co-accused have already been granted bail, in my opinion, it is a fit case for grant of bail to the petitioner. The petition, as such, is accepted. The petitioner Rohit is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Gurugram.

The present petition stands accepted accordingly.

20.11.2018

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No