

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50313-2018 (O&M)

Date of Decision:- 21.11.2018

Amit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jai Vir Yadav, Advocate, for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of regular bail in a case registered vide FIR No.119 dated 18.4.2018 under Sections 114, 302 and 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, registered at Police Station City, Rewari.

The FIR was lodged at the instance of Sunder wherein it has been alleged that on 18.4.2018 when he along with his cousin Sarjit were making preparation for a function and were carrying utensils in street and were also accompanied by his nephew Parvesh, then around the corner of the street Vipul took out a pistol and fired at Sarjit and when they rushed to rescue him, the said Vipul fired another shot while leaving. It is further alleged that Vicky, Dharampal and Amit who were standing at a distance were exhorting Vipul to kill the injured. The complainant and others removed Sarjit to hospital where he succumbed to his injuries.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that falsity of the case would be evident from the fact that even after lodging of the FIR another 5 persons had been named. The learned counsel has further submitted that the petitioner is attributed a *lalkara* only and had not caused any injury and is behind bars for the last about 7 months and since challan has also been presented, no useful purpose be served by further keeping him behind bars.

On the other hand, the learned State counsel has submitted that the petitioner is specifically named in the FIR and it was upon his exhorting, that the main accused fired the shots and as such he is not entitled for grant of bail.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner is not attributed any injury, no useful purpose would be served by further detaining the petitioner behind bars especially since the challan has already been presented. In my opinion, it is a fit case for grant of bail. The petition, as such, is accepted and petitioner-Amit 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, concerned.

The present petition stands accepted accordingly.

November 21, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No