

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

CRM-M-52231-2018 (O&M)

Date of Decision:-3.12.2018

Sunil alias Maleshi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajat Mor, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner Sunil alias Maleshi seeks grant of regular bail in respect of a case registered vide FIR No.259 dated 12.6.2018 at Police Station Kharkhoda, District Sonapat under Sections 307 and 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 wherein Sections 120-B and 216 IPC and Section 27 of Arms Act were added later on.

The FIR was registered at the instance of Ram Avtar, who alleged that on the day of occurrence when he was present in his office i.e. Nextra City, Delhi Road, Kharkhoda where he deals in sale and purchase of plots, then Sunil alias Maleshi (petitioner) came there and told him that Ram Niwas was calling him outside. When the petitioner went outside he saw Ram Niwas and another boy sitting in a white coloured *i20* car. Ram Niwas, while stating that the complainant had been filing applications under Right to Information Act, fired thrice with his pistol and one of the shots hit on the left thigh of the complainant. The other boy sitting in the car also came out and fired at the complainant but the shot did not hit him. It is alleged that

thereafter Ram Niwas, Sunil alias Maleshi and other boy fled away from the spot in the same very car.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and in any case even if the allegations levelled in the FIR are taken to be correct, the petitioner is not attributed any injury and was not even carrying any fire arm.

On the other hand, the learned State counsel has submitted that the complicity of the petitioner is evident from the fact that all the three accused had come together and had escaped in the same car after the co-accused had fired at the complainant.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the petitioner is not attributed any injury and has been behind bars since the last more than 5 months and that the challan already stands presented, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Sunil alias Maleshi 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.

This petition stands accepted accordingly.

3.12.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No