

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

**CRM-M-5556-2019
Date of decision: 11.02.2019**

Paramvir and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Rai, Senior Advocate with
Ms. Amanpreet Kaur Sabharwal, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners in case FIR No. 129 dated 08.03.2017, registered under Sections 302, 341, 506, 148, 149, 216 of the IPC and Section 25/54/59 of the Arms Act at Police Station City Palwal, District Palwal.

As per the allegations in the FIR, on 07.03.2017, when Inspector Suman Kumar along with police party was present at Main Market, Palwal, a wireless message was received from Control Room, Palwal that in HUDA, Sector 2, Palwal, a gun shot incident has taken place and on reaching the said place, it was informed to the police officials that Devender son of Mahender has died due to gun shot injury and the police officials were sent to Metro Hospital, Faridabad, where, complainant Sunder Singh made a statement that his nephew Devender @ Deva (deceased) had enmity with petitioner Paramvir and others of his village and on that day, around 6.00 PM, the complainant, along with his cousin brother Pohap

Singh, nephew Devender and one Krishan son of Jawahar, was going from HUDA, Sector 2 to Saran, Faridabad in a Maruti Wagon car. When they reached near shopping complex, 8-9 boys came in a black car and motorcycle and stopped the car of the complainant party. Devender asked them about the matter, on which, Paramvir and one Koki @ Ishwar pulled him out of the car and started abusing him and when complainant and others got down from the car to save Devender, Sudhir and Nem @ Sorabh, who is cousin of Paramvir, started beating Devender. Paramvir shouted that Devender should not escape on which Koki @ Ishwar asked him to finish Devender, however, Devender entered into the car trying to escape, on which, two other boys, who had come along with the assailants, caught hold of Devender and Hemu @ Hem Raj fired a gun shot on Devender from a country made pistol. Thereafter, all the assailants ran away from the spot. Devender was firstly taken to Om Sperio Hospital, however, since his condition was serious, he was taken to Metro Hospital, where he was declared 'brought dead'.

After arguing for some time, learned senior counsel for the petitioners seeks withdrawal of the present petition, at this stage, qua petitioner No. 1 Paramvir.

Dismissed as withdrawn qua petitioner No. 1 Paramvir.

It is argued on behalf of petitioner No. 2 Sourab that except from naming him that he was present at the spot along with co-accused Paramvir and being his first cousin, i.e. son of his Aunt (Bua), no specific role is attributed to him.

Learned senior counsel has referred to the statement of PW-1 Sunder Singh, where he has stated that he came to know later on that the

name of petitioner No. 2 was Sourab and he was not aware of the same as he is the resident of some other village, therefore, he was not the resident of the same village.

Learned State counsel, on instructions from SI Ram Chander, has submitted that as per the prosecution version, petitioner No. 2 Sourab was the driver of the car. He has further submitted that PW-2 and PW-3, namely Pohap Singh and Krishan, who are the eye witnesses, have been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner No. 2 Sourab is in judicial custody since 04.01.2018 and eye-witnesses have already been examined and also in view of the fact that conclusion of the trial is likely to take some time, this petition is allowed qua petitioner No. 2 Sourab.

Accordingly, petitioner No. 2 Sourab is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

February 11, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No