

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

**CRM-M-9214-2019 (O&M)
Date of Decision: March 11, 2019**

Illiya

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. P.S.Punia, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 439 CrPC seeking regular bail in case FIR No.468 dated 08.10.2018 under Sections 186, 224, 225, 353, 307, 34, 120-B IPC and Section 25 of the Arms Act, Police Station SGM Nagar, Faridabad, Haryana.

Allegations in the FIR are that on 08.10.2018 EASI Sunil Kumar 1992, in-charge Police Guard along with other officials had taken some of the accused confined in the jail under different trials for getting them properly treated at B.K.Hospital, Faridabad. One accused, namely Vikas Dalal was being treated for his dental problem. When EASI Sunil Kumar was bringing him back to the prisoners' van, he suddenly jerked Sunil Kumar's hand and managed to escape. Another companion of Vikas Dalal fired towards Sunil Kumar. Sunil Kumar returned the fire by using his service revolver and fired three shots to prevent the escape of Vikas Dalal and his companion. Though, an alarm was raised no-one from the public came forward to help. Sunil Kumar followed Vikas Dalal and his

companions and fired two shots towards them, but they did not stop. Vikas Dalal and his companions escaped on motorcycle.

Learned State counsel has contended that during investigation, it has been revealed that the conspiracy for the escape of Vikas Dalal was hatched at the residence and in the presence of the petitioner. He had provided the weapons used in the escape. The swift car which was used in the crime belonged to his son.

Learned counsel for the petitioner has argued that one of the accused, namely Parshant s/o Ram Parshad in his disclosure statement has stated that the plan for the escape of Vikas Dalal was discussed in Faridabad and the fire arm/ country-made pistol (*Katta*) and the ammunition was procured from Mainpuri (UP). Thus, there is no basis for the prosecution's assertion that the conspiracy was hatched at the residence of the petitioner. The petitioner is in custody since 27.10.2018. Beyond the conspiracy angle, there is no other allegation against the petitioner.

The allegations pertain to forcible release from police custody of a prisoner. The police party is alleged to have been fired at. The petitioner cannot plead his non-involvement merely on the statement of a co-accused after arrest. The prisoner Vikas Dalal who had managed to escape, has not yet been arrested.

There is no ground to grant bail, at this stage.

Dismissed.

March 11, 2019

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(HARINDER SINGH SIDHU)

JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No