

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

CRM-M-30419-2018

Date of decision:20.02.2019

Om Parkash @ Bhura

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.397 dated 30.10.2017 under Sections 302, 449, 120-B, 34 Indian Penal Code and under Section 25 of Arms Act, Police Station Bhupani, District Faridabad.
2. Reply filed by way of affidavit of Mr. Mohinder Singh, HPS, Assistant Commissioner of Police, Central, Faridabad on behalf of the respondent-State is taken on record.
3. The FIR was lodged at the instance of Dheeraj wherein it has been alleged that on 30.10.2017, he received a telephone call from his

cousin Bhagat to the effect that Kallu and Prem have been shot at their Faridabad flat and that Bhura has informed him. The complainant along with Bachu, Barinder and Sudhir went to the spot and met Bhura and Bhagat Singh where Bhura informed that he received call from '78309-51244' whereby he was informed that Kallu and Prem has been shot. The complainant accompanied by others reached at the flat and furnished information to the police and broke open the lock of the flat and found Prem and Kallu lying dead in a pool of blood. Two weapons were also found lying there. It is further case of the prosecution that Manish and Sagar were arrested in connection with the murders and who suffered disclosure statements and admitted having fired shot at the deceased killing them.

4. Learned counsel for the petitioner has submitted that although he is named in the FIR, wherein he is referred to as 'Bhura' but no role has been attributed to him and that even as per disclosure statement of co-accused Manish and Sagar, it is the said co-accused who had fired shots at the deceased killing them.
5. Opposing the petition, the learned State counsel has submitted that in fact the petitioner was part of the larger conspiracy and that in his disclosure statement he had admitted that he had got Manish deputed as gunman with Narinder @ Kallu and that in these circumstances he does not deserve concession of bail. It is further been informed that as on date 15 PWs out of cited 27 PWs have been examined.

6. Having considered rival contentions addressed before this Court and bearing in mind the fact that even as per the case of prosecution, it is not the petitioner who had fired shot at the deceased and that as on date the petitioner has been behind bars since the last more than 1 year, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

20.02.2019

Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**Whether reasoned / speaking? **Yes / No**Whether reportable? **Yes / No**