

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

**CRM-M-20039-2019
Date of decision: 08.05.2019**

Arun @ Arush @ Anna and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Devinder Singh, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 45 dated 03.10.2018, registered under Sections 307/34 of the IPC at Police Station Sector 65, Gurugram.

Learned counsel for the petitioners submits that both the petitioners are in judicial custody for the last more than six months and as per the allegations in the FIR, complainant Mohan Mandal recorded his statement that on 02.10.2018 at about 08.00 PM, his accountant informed that an incident has taken place at his godown in which fire arm was used.

Learned counsel for the petitioners further submits that no person was injured in the incident and three of the co-accused of the petitioner, namely Vipin, Siddhant @ Gullu and Mahesh, have already been granted concession of regular bail by the Additional Sessions Judge.

Learned counsel for the petitioners further submits that the complainant, in his statement as PW-1, has stated that the accused persons

present in Court were not the persons who had fired at his godown and even the eye-witness PW-3 has stated that the accused persons present in Court were not the persons who had fired at the godown. Both these witnesses were declared hostile by the public prosecutor.

Learned State counsel, on the basis of the custody certificates filed in Court today, could not dispute the factual position, however, submitted that petitioners are involved in some other cases in which, they are on bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that two of the material prosecution witnesses have not supported the prosecution version and no one was injured in the incident and also in view of the fact that petitioners are in judicial custody for the last more than six months; the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

08.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No