

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

Criminal Misc. No.M-45689 of 2018(O&M)

Date of Decision: December 04, 2019

Sunil		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.S.Rai, Sr.Advocate with
Mr.Gautam Dutt, Advocate for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

Mr.D.S.Matya, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.53 dated 23.02.2018 under Sections 302, 34 IPC and Section 25 of the Arms Act, Police Station Bilaspur, District Gurugram.

The FIR was registered on the statement of one Jag Pravesh who stated that on the night of 22.02.2018 there was a '*Kuan Pujan*' ceremony of Anil's son. Anil (son of Dharmender) is the younger brother of Sunil - petitioner. The complainant's son Goverdhan had also gone there. At about 10/10.30 pm, Sunil made a telephone call on the phone of Surat that Goverdhan has been injured and the complainant should reach soon. The complainant and Surat reached the house of Sunil and found that Goverdhan was lying in the drain in front of Sunil's house. Then the complainant, Charan Singh and Sunil picked up Goverdhan and took him to Rathore Hospital, IMT Manesar, whereby, the doctors advised that he be taken to Rockland Hospital, Manesar. Goverdhan was got admitted in

Rockland Hospital. Thereafter, one Anil s/o Mahender informed the complainant on phone about the injury to Goverdhan. Goverdhan died at Rockland Hospital Manesar. The complainant suspected that his son had been shot by Sunil and Anil sons of Dharmender.

Ld. Senior Counsel for the petitioner has argued that the two alleged eye witnesses to the incident, namely Charan Singh and Anil s/o Mahender have been given up by the prosecution. One Charanjeet Singh - son of the complainant has been introduced as an eye witness who has deposed as per the prosecution version. He argued that the presence of Charanjeet Singh at the spot is highly doubtful. For if he were present there is no reason as to why he would not inform his father about the incident and also not take his injured brother to the hospital.

Ld. Counsel appearing for the respondent – State has argued that during investigation petitioner Sunil had got recovered one revolver, one empty and three live cartridges. The revolver and the bullet recovered from the body of the deceased were sent to FSL. As per FSL report, the fired cartridge case and the fired bullet had been fired from the revolver recovered from the petitioner.

Considering the allegations and the evidence on record, no ground is made out for grant of bail to the petitioner.

Thus, the petition is dismissed. However, nothing stated herein shall be construed as an expression of opinion on the merits of the matter.

December 04, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

