

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

CRM-M-46015-2018 (O&M)

Date of Decision:-11.1.2019

Sandeep @ Giglu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

Petitioner Sandeep @ Giglu seeks grant of regular bail in a case registered vide FIR No.79 dated 7.5.2018 under Sections 120-B, 147, 149, 186, 302, 307, 332 and 353 of IPC and Section 25 of Arms Act at Police Station Siwani, District Bhiwani.

It is the case of prosecution that on 7.5.2018, Jai Kumar @ Bahadur and Sunil @ Kalia were to be produced in the Court at Siwani from Bhiwani Jail. As the accused were hardcore criminals, therefore, a police party had been specifically deputed for their production. It is alleged that at about 10:30 a.m. when after producing the accused they were being taken towards the government vehicle then all of a sudden 4-5 youngsters came from the main gate and started firing gunshots towards Jai Kumar and Sunil and the aforesaid Jai Kumar and Sunil sustained gunshots injuries. EHC Bhagirath tried to protect the accused and made them bend down in order to save them but in the said process, he was directly hit by a shot fired by

Manjit, as a result of which he died at the spot. The complainant ASI Gori Shankar also sustained pellet injuries. Two of the assailants were apprehended at the spot, who disclosed their names as Manjit and Sumit, who were both armed with pistols. However, Ajay, who was also accompanying them was successful in running away from the spot.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he is stated to be implicated on the basis of disclosure statements made by co-accused Sumit and Sandeep and that even as per their disclosure statements, the petitioner was not present at the spot but is stated to have helped the accused subsequently by offering them clothes and money.

Opposing the petition, the learned State counsel has submitted that the complicity of the petitioner is evident from the fact that he helped the other co-accused by giving them money and clothes and in fact the entire firing incident had taken place as a result of deep rooted conspiracy in which the petitioner had evidently participated.

Having considered the rival contentions addressed before this Court and bearing in mind the fact that the petitioner admittedly was neither present at the spot and nor had fired at the police party and is being implicated solely on the basis of disclosure statements made by co-accused Sandeep and Sumit, who have stated that after the occurrence, the petitioner had given clothes and money for their expenses and also that the petitioner, as on date, has been behind bars since the last about 6 months, in my opinion, it is a fit case for grant of regular bail.

The petition, as such, is accepted and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

11.1.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No