

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53357-2018 (O&M)
Date of Decision:- 21.1.2019

Pawan	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ram Pal Verma, Advocate for the petitioner.
Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seek grant of regular bail in respect of a case registered vide FIR No.50 dated 21.1.2018 at Police Station City Bahadurgarh under Sections 307, 379-B and 394 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The FIR in question was lodged at the instance of Surrender, wherein it has been alleged that on the day of occurrence when he alongwith his son was going towards their home in their 'Wagon-R' car bearing registratio No.HR-13K-7565, then their vehicle was stopped by 3 boys, who pulled out his son from the driver seat and a quarrel ensued between them. It is alleged that one of the boys fired at his son with the pistol. While one of the bullet hit his arm another hit his thigh. It is alleged that thereafter the assailants ran away from the spot by snatching a motorcycle of some unknown person.

The learned counsel for the petitioner has submitted that the petitioner has been implicated in the present case solely on the basis of a disclosure statement made by co-accused Pavit @ Dhollu from whom one pistol was also recovered and that even if the disclosure statement is taken to be correct, still it is the co-accused Pavit @ Dhollu from whom the pistol has been recovered, who is the main accused.

Opposing the petition, the learned State counsel assisted by the learned Counsel for the complainant has submitted that since the co-accused Pavit @ Dhollu has specifically named the present petitioner to be a co-accused, no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the fact that it is the co-accused Pavit @ Dhollu, from whom the pistol allegedly used in the occurrence, has been recovered and also that the petitioner is being sought to be implicated solely on the basis of disclosure statement, the admissibility and veracity of which is yet to be tested during the course of trial, and also that the petitioner as of now has been behind bars since the last about 4 months and is stated to be a college going student, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Pawan is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

21.1.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**