

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

CRM-M-26402-2019 (O&M)

Date of Decision:- 1.7.2019

Akash @ Hemant

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nipun Vashist, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.350 dated 5.5.2018, Police Station Sadar, Gurugram, under Sections 307, 120-B, 34 IPC and Section 25 of the Arms Act.
2. Mr. D.S. Matya, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record. The FIR was lodged at the instance of Ram Krishan who had alleged that on the day of occurrence when he was at his home along with his son Bharat, he received a telephonic call from his other son

namely Lalit informing that two young boys on motorcycle had fired a bullet at him and had run away. Upon receipt of aforesaid information the complainant reached the spot and found his son in a pool of blood and immediately shifted him to Medanta Hospital. The complainant alleged that while on way to hospital, his son Lalit informed him that the bullet had been fired either by Kapil or by someone else at his instance.

3. Learned counsel for the petitioner has submitted that even as per investigation conducted by the police, it is not the petitioner who had fired at the complainant and that in these circumstances, the petitioner deserves the concession of regular bail, more particularly on the ground of parity since co-accused namely Kapil has already been granted bail.
4. Opposing the petition, the learned State counsel has informed that during the course of investigation it has surfaced that the petitioner was driving the scooty, on the pillion seat of which co-accused Parveen was sitting and that a country made pistol had been recovered from said Parveen.
5. I have considered rival submissions addressed before this court. Keeping in view the fact that it is co-accused Parveen from whom the country made pistol has been recovered and while also noticing that the other co-accused Kapil has already been granted bail, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner Akash alias Hemant 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.

6. The present petition stands accepted accordingly

July 1, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No