

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27703-2019
Date of decision-08.07.2019

Pawan @ Kalia

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Virender Soni, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Anil Kumar.

MANOJ BAJAJ, J.

Petitioner-Pawan @ Kalia has prayed for grant of regular bail in case FIR No.270 dated 13.06.2019 under Sections 148, 285, 323 and 427 read with Section 149 of Indian Penal Code (in short 'IPC') and Sections 25, 54 and 59 of Arms Act registered at Police Station Sampla, District Rohtak. The petitioner is in custody since his arrest on 16.06.2019.

The FIR was registered on the statement of complainant, namely, Pardeep with the allegations that on 13.06.2019 at about 2.00 p.m. when he along with Jai Bhagwan, Sanjeet and other 3-4 boys went to the house of Sombir in Santro car bearing registration No.DL-7CE-3539. On seeing quarrel, they went back to village and when complainant and another boy came out from the house of Jai Bhagwan in car, then 10-12 boys gave bricks and danda blows on the top of the car. The boy of village Samchana fled away from there after seeing those boys. He got down from the car and when he was running, Suraj @ Moni hit a butt of countrymade pistol on his

forehead and also gave kicks and bricks blows to him. The other friends of Moni fired as shot in air and ran away.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He further contends that all the offences are bailable except the offence punishable under Section 25 of Arms Act. He submits that the said offence is attributed to the co-accused, namely, Suraj @ Moni who has been released on regular bail.

On the other hand, learned State counsel assisted by ASI Anil Kumar has opposed the bail application. However, it is not disputed that the offence pertaining to the Arms Act is attributed to co-accused, Suraj @ Moni who is on bail. It is also not disputed that the petitioner is confined in judicial custody and is not required for investigation. However, the charges are yet to be framed.

Considering the above background, custody of the petitioner, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Rohtak.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

08.07.2019

vanita

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