

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

214

CRM-M-32183-2019 (O & M)
Date of Decision:11.09.2019

Sukhbir @ Sukkan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.192 dated 06.07.2019, under Sections 147, 148, 149, 285, 307, 506, 120-B IPC and Section 25 of the Arms Act, 1959 (Sections 307 and 120-B IPC were added later on), registered at Police Station Sector 65, Gurugram, District Gurugram.

The prosecution case is that on 05.07.2019 when the complainant along with his family members was sleeping in his house, at about 2.00 am, he heard the sound of gun fire on which he and his family members woke up. In order to kill him and his family members, 8-10 shots were fired on them. On checking the CCTV footage, he saw that Anil in the vehicle bearing registration No.HR-26-DC-0057 which belonged to his uncle Sukhbir Singh (petitioner) who (Anil) along with 6-7 persons including one lady came and in order to kill him and his family members,

fired shots upon them and thereafter fled away from the spot.

Learned counsel for the petitioner contends that admittedly the case of the prosecution is that nephew of the petitioner namely Anil went to the house of the complainant in the vehicle owned by the petitioner and fired 8-10 gun shots upon the said house. He submits that no person was injured in the said occurrence and the petitioner was not involved in this incident. According to him, merely because the car of the petitioner was used by his nephew, he has been made an accused in this case. He submits that the petitioner is in custody since his arrest on 08.07.2019 and the investigation of the case is complete as final report stands filed on 02.09.2019.

On the other hand, learned State counsel assisted by HC Pardeep has opposed the bail application. However, it is not disputed that the petitioner was not present at the place of occurrence and the weapons used in the crime have already been recovered from the petitioner's nephew namely Anil and his co-accused Mohit.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

11.09.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No