

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

211

CRM-M-33237-2019 (O & M)
Date of Decision:21.08.2019

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhimanyu 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.776 dated 30.10.2016, under Sections 307, 452, 506 IPC; Sections 25, 54, 59 of the Arms Act and later on added Section 120-B IPC, registered at Police Station Sector-5, Gurugram, District Gurugram.

The prosecution case is that on 30.10.2016 SI Mohd. Usman was present in the police station, when an information was received from Parshant Bhardwaj, resident of Laxman Vihar, Phase-II Gurugram in the police station that a boy named Sunny fired in his office. On receipt of this information, SI Mohd. Usman along with constable Naveen Kumar in Govt. Gypsy No. HR-55-H-7826 reached at the spot, where complainant Parshant Bhardwaj submitted an application stating therein that for the last 15 days,

Sunny Dahiya and four other persons, whom he can identify if produced before him, resident of Dhanwapur and Rahul Dhaiya, Manish, Nishant Julani, residents of Laxman Vihar, were continuously threatening him and the persons sitting in his office situated at plot no. 7, Laxman Vihar. He has further stated that on 30.10.2016 around 8:30 Sunny came to his office and enquired about him from Akhilesh. Upon ignorance shown by Akhilesh, Sunny fired a gun shot at Akhilesh, however Akhilesh had a narrow escape by hiding himself in a hut. Akhilesh called the complainant and he (complainant) reported the matter to the police. Sunny was under the influence of liquor.

Learned counsel for the petitioner contends that the petitioner was arrested on 07.02.2019, who was a proclaimed offender. It is submitted that the trial in respect of other 3 accused including the prime accused namely Sunny, who had fired the gun shot, inviting the offence under Section 307 IPC, already stands acquitted vide judgment dated 16.03.2018 (Annexure P-1). He states that the case of the petitioner is on a better footing.

On the other hand, learned State counsel assisted by ASI Sanjeev Kumar has opposed the bail application on the ground that petitioner was previously a proclaimed offender. It is further pointed out that two prosecution witnesses including the complainant have already been examined.

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.

21.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No