

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

223

CRM-M-38430-2019 O & M)
Date of Decision:17.09.2019

Saurahb @ Saurabh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Dadwal, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.541 dated 17.10.2018, under Sections 307, 386, 34, 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Model Town, Rewari.

The prosecution case is that on 16.10.2018, ASI Satish Kumar along with constable Sachin was present at Bus Stand Bithwana for crime detection patrolling where he received a telephonic call from the MHC of the police station regarding gun firing in Pushpanjali Hospital near Rajesh Pilot Chowk, Rewari, by two unknown boys. On this, ASI Satish Kumar reached at the disclosed place where Dr. SK Sharma submitted a written complaint asserting therein that as per recording of CCTV Cameras available with Pushpanjali Hospital, two persons came inside the hospital at 07.14 pm. One of them was wearing white shirt and blue jeans trouser,

approached pharmacy store of the hospital and started firing at the counter glass towards salesman available inside the pharmacy store. One of the salesman of pharmacy store, Naresh narrowly escaped from the gunshot just passed near his body. He fired about nine rounds on the pharmacy store and then walked away at 07.16 pm after giving a chit bearing a number. The chit was later handed over to the police, which came after the incident. The other man wearing T-shirt and trouser accompanying the shooter also came and went alongwith him with common intention.

Learned counsel for the petitioner contends that the petitioners are real brothers and have been indicted in this case on the ground that they are related to notorious criminal namely Kaushal. He submits that the petitioners were not the assailants, who entered in the hospital and fired the gun shots. He submits that in the said incident of firing, no injury was caused to anyone. It is pointed out that as per prosecution, the petitioners came to the hospital on a motorcycle following the said vehicle wherein the assailants had arrived. He submits that after investigation, final report was submitted on 22.01.2019. However, no witness has been examined so far, despite framing of charges on 29.03.2019.

On the other hand, learned State counsel assisted by ASI Ashok Kumar has opposed the bail application on the ground that one of the petitioners Saurabh is involved in another case, however, it is not disputed that qua them the charges have been framed and the witnesses are yet to be examined by the prosecution.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioners may not be justified. Therefore, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

17.09.2019

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(MANOJ BAJAJ)
JUDGE

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