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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41749-2019

Date of decision-03.10.2019

Suresh Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
SI Ram Niwas.

MANOJ BAJAJ, J.

Petitioner-Suresh Kumar has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.541 dated 17.10.2018 registered under Sections 307, 386 and 120-B read with Section 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Model Town, Rewari.

On 16.10.2018, when police party was on petrol duty at Bus Stand Bithwana, they 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 petitioner was not even present at the spot and has been indicted on the ground that he happens to be father-in-law of hard core criminal, namely, Kaushal. Learned counsel further invited the attention of the Court to Annexure P-4 whereby the concession of regular bail has already been extended to the co-accused by this Court.

On the other hand, learned State counsel assisted by SI Ram Niwas opposed the bail application, however, it is not disputed that the similarly situated accused has been granted the regular bail. It is also not denied by learned State counsel that petitioner was not present at the spot when the occurrence took place.

Considering the above background and the fact that the trial of the case is likely to consume considerable time, further custody 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.

(MANOJ BAJAJ)
JUDGE

03.10.2019

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