

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-1767-2020  
Decided on: 05.03.2020.

SHUBHAM ALIAS ATUL

.....Petitioner

V/S

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep Rana, Advocate  
for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

ANIL KSHETARPAL, J. (Oral)

This is a second petition filed for grant of bail pending trial in a criminal case arising from FIR No.0092 dated 06.03.2018 under Sections 186,307,353,34 of the Indian Penal Code 1860 and Section 25 of the Arms Act 1959 registered at Police Station Urban Estate, Rohtak.

The first application for grant of bail to the petitioner was dismissed as withdrawn on 11.9.2019. The order dated 11.09.2019 reads as under:-

*“After arguing for some time, counsel for the petitioner prays for permission to withdraw the present petition.*

*In view of the prayer made by counsel for the petitioner, the present petition is dismissed as withdrawn”*

The facts of the case as noticed by the Learned Additional Judge, Rohtak are extracted as under:-

*“2. The first information report in the present case was registered on the statement of complainant-ASI Sanjeet with the*

*averments that on 6.3.2018, he alongwith other with crime detection duty. In the meantime, he has received a secret information to the effect that Shubham alias Atul (applicant-accused) and Gautam alias Golu are ante-social elements and they were also involved in many criminal cases. They are armed with deadly weapons and they will come to Rohtak, from outer Bohar bypass Rohtak, on Splender motor-cycle without number plate with a motive to commit an offence. If barricades are installed on the disclosed place, then, they could be apprehended red handed. On the basis of this inforamtion police party headed by ASI Sanjeet reached at the disclosed place and has installed the barricades. After that, one motor-cycle occupied by two young boys came from Outer bypass Bohar side. ASI Sanjeet gave signal to stop the motor-cycle and they did not stop the motor-cycle and turned the same back, however the motor-cycle fell down on the road. In order to avoid the apprehension, the applicant-accused alongwith his co-accused has fired gun shot on the police party including SI Sanjeet, with the intention to kill them, but they had narrow escape. Upon which, the police party headed by ASI Sanjeet, have also fired shots in their self defence and apprehended the accused person. On enquiry, the driver of the motor-cycle disclosed his name as Shubham alias Atul and the pillion rider of the motor-cycle has disclosed his name as Gautam alias Golu and countrymade pistols were recovered from them. The complainant has stated that necessary legal action should be taken in this regard. Thus, accused-applicant, has filed the present application for regular bail.”*

Learned counsel for the petitioner contends that no doubt the petitioner is involved in two other cases, however, he has already been released on bail in those two cases. He further submits that the petitioner is in custody since 06.03.2018 i.e. nearly two years. He submits that out of 15 prosecution witnesses which are proposed to be examined, only one has been partially examined.

Keeping in view the facts of the case and the custody of the petitioner, as also noticing that the conclusion of the trial of the case is likely to take a long time, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

05.03.2020  
monika\*

**(ANIL KSHETARPAL)**  
**JUDGE**

*Whether speaking/reasoned: Yes/No*  
*Whether reportable: Yes/No*