

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

211

**CRM-M-10540-2020
Date of decision: 20.05.2020**

Sunder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the present 1st petition filed under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.988 dated 10.11.2018 registered at Police Station City Ballabgarh, District Faridabad under Sections 333, 353, 186 of the Indian Penal Code, 1860 (for short 'the IPC') to which Sections 189, 307, 506 read with Section 34 of the IPC were added later on.

The above said FIR was registered on the basis of complaint made by Head Constable Hopinder who alleged that on 09.11.2018 at about 10.10 p.m., he received telephonic information regarding fight going on between two parties, upon which he alongwith Constable Sukhvinder Singh, SPO Sandeep Kumar, driver Constable Manjeet reached at the spot where they saw that accused Sunder and Kuldeep were armed with spade and Sunil was armed with revolver and was firing shots. It was further alleged that many other persons

duly armed with weapons were also accompanying applicant-accused and others. Complainant with the help of fellow police officials tried to intervene in between both the parties, upon which, Kuldeep gave a spade blow on the forehead of SPO Sandeep Kumar. They took SPO Sandeep Kumar to General Hospital, Ballabgarh from where he was referred to B.K. Hospital Faridabad.

Learned Counsel for the petitioner has submitted that as per the allegations, the injury on the forehead of SPO Sandeep Kumar declared to be dangerous to life invoking Section 307 IPC is attributed to co-accused Kuldeep and no specific role is attributed to the petitioner. Co-accused Harish and Yatish, Narender @ Ninder and Manish, Rohit and Sunil have been ordered to be released on bail by this Court vide orders dated 23.07.2019, 19.08.2019, 05.02.2020 and 30.04.2019 respectively on deposit of demand drafts of Rs. 30,000/- in favour of the injured. The petitioner is also ready to deposit a demand draft of Rs.30,000/- in favour of the injured SPO Sandeep Kumar, without any prejudice to his right to defence and in view of the parity with his co-accused Harish and Yatish, Narender @ Ninder and Manish, Rohit and Sunil, the petitioner may be ordered to be released on bail.

On the other hand, learned State Counsel has submitted that the petitioner had instigated his co-accused to commit the subject offences and in view of the gravity of offences the petitioner does not deserve the grant of bail.

Keeping in view the facts and circumstances of the case, nature of allegations made against the petitioner, the fact that he is not

involved in any other case, the period of his custody and parity with co-accused Harish and Yatish, Narender @ Ninder and Manish, Rohit and Sunil who have already been granted regular bail by this Court vide orders dated 23.07.2019, 19.08.2019, 05.02.2020 and 30.04.2019 respectively but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of personal and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned and deposit of a demand draft in the amount of Rs. 30,000/- in favour of SPO Sandeep Kumar, which shall be handed over to the above said official concerned.

20.05.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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