

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

CRM-M-13107 -2020 (O&M)
Date of Decision:- 20.7.2020

Gurdeep @ Dabla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.R.S.Mamli, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.228 dated 4.5.2018 under Sections 307/34 IPC and Section 25 of Arms Act, 1959 at Police Station City Fatehabad, District Fatehabad.
2. The FIR in question was lodged at the instance of Rajpati, mother of injured Sunil @ Silu wherein she has stated that her son had left home with his cousin Gurdeep to village Khan Mohammad to the house of Sunil Kumar @ Deepiya and that later the complainant's son-in-law namely Anil telephonically intimated her that the complainant's son Sunil @ Silu had sustained injuries and that he was being taken to hospital.
3. The learned counsel for the petitioner has submitted that subsequently when the statement of the injured Sunil @ Silu was recorded, he virtually gave a

clean chit to the accused by stating that the pistol had fired accidentally. The relevant extract from the statement of injured, as has been reproduced in the petition, reads as follows :-

“Mithu told that the amount the along to him and how he will pay to you Gurdeep has pulled the trigger back and front. I snatched the pistol from Gurdeep and gave it to Dipiya. Dipiya has pulled the magazine from pistol so that nobody gets injured. Dipiya and all of us were sitting on Cot/Charpai and Dipiya was handling the pistol and pull the trigger. I was sitting on front Cot the bullet has hit in my stomach, thereafter Sumit Gujjar, Mitthu Dangi has put the vehicle of the Sumit and got me for treatment.”

4. The learned counsel has further submitted that in any case since the co-accused Sunil Kumar @ Deepiya who was handling the pistol when it fired has already been granted bail by this Court vide order dated 10.4.2019 passed in CRM-M-5020-2019, the petitioner deserves the same concession on grounds of parity, particularly since he has been behind bars since the last about 2 years.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner is involved in four other cases, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that the petitioner has suffered incarceration for about 2 years and that the co-accused Sunil Kumar @ Deepiya, who was

handling the pistol when it fired has already been granted bail, the petitioner deserves the same concession on grounds of parity.

8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.7.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No