

Sr.No.212

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

CRM-M-34556-2019
Date of decision:27.01.2020

Balbir Singh

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Rakesh Kumar Lathwal, Advocate and
Mr. Man Mohit Malik, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. N.R.Dahiyam Advocate and
Mr. Sandeep Gahlawat, Advocate
for the complainants.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed for seeking regular bail in FIR No.100, dated 05.08.2018 for the offences punishable under Sections 307, 454 (and Sections 302, 450, 120-B added later on and Section 454 deleted) of IPC and Section 25 of Arms Act, registered at Police Station Mohana, District Sonipat (Haryana).

Learned counsel for the petitioner has *inter alia* argued that in the present case the petitioner is the father of the main accused, namely, Sunil Gunda and who had allegedly shot from his pistol thereby had killed two brothers of one family, namely, Vijay and Pardeep. The petitioner was not named in the FIR because he was not involved in the alleged occurrence. It was only after period of six days that he was nominated as an accused on the basis of hearsay evidence of the mother of the deceased that

she had gathered some information from the villagers. Learned counsel for the petitioner has further submitted that petitioner is innocent and he is in custody since 13.12.2018 and all the material witnesses have already been examined by the prosecution.

Learned State counsel as well as learned counsel for the complainant have argued that in the present case, although the petitioner was nominated later on by the police but he is charged with the offence under Section 120-B IPC and he is the father of the accused, namely, Sunil Gunda, they are opposing the prayer of bail of the petitioner.

It has also been stated by the learned counsel for the parties that Sunil Gunda who is the main accused in the present case was fleeing from the spot, had also received shot from his own accomplice and later on he had also died.

I have heard the learned counsel for the parties and after perusing the available record, it appears that petitioner who is the father of the main accused, Sunil Gunda was not named in the FIR. The other two accused who were present on the spot are also facing trial in the present case. The material prosecution witnesses have already been examined including the complainant and the eye witnesses and the petitioner is in custody since 13.12.2018.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

27th January, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*