

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17323-2021 (O&M)
Date of Decision:-7.5.2021

Amit @ Sonu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana,
assisted by SI Mahavir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.215 dated 6.10.2020 at Police Station Ateli, District Mohindergarh under Sections 148, 149, 323, 307 of Indian Penal Code and Sections 25/54/59 of Arms Act.
2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein it has been alleged that on 06.10.2020, he alongwith Manoj, Ghanshayam and Virender were going on car bearing registration No.HR19H-6595, which was being driven by him. It is alleged that at about 4.05 PM, when he parked the car near Kanina Chowk, Ateli Mandi, Ghanshayam alighted from the car while he was sitting on the driver seat. It is alleged that at that point of time,

a Bolero camper car came from the side of Kanina and hit against their car and resultantly their car struck with a fruit *Rehri*. Thereafter, three more vehicles came there and 20/25 persons alighted from the said vehicles and started firing at them with an intention to kill them. The said persons attacked their car with sticks, *farsi*, iron rod and sword. It is alleged that one bullet hit on the hand of the complainant. While Jitender ran away, Manoj was hit on his hip with a bullet. He also sustained injuries on his head. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahu, Maandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar.

3. Learned counsel for the petitioner submits that although the petitioner is named in the FIR wherein he is referred to as Sonu Titar, but no specific role is attributed to him and that even as per the investigation the petitioner is not the one, who had caused any firearm injury. It has further been submitted that even the alleged firearm injuries have been caused on non-vital parts i.e. on the hand and hip and, as such, it cannot be inferred that the accused had any intention to murder the injured. Learned counsel has further submitted that since 9 out of the 15 accused have already been granted bail, the petitioner also deserves the same concession on grounds of parity particularly since an identically situated co-accused namely Shiv Kumar has already been granted bail by this Court.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out keeping in view the fact that it is a case of causing several injuries including firearm injuries. The learned State counsel has, however, informed that challan already stands presented and that the petitioner as on date has

been behind bars since the last about 7 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case but while noticing the custody period of the petitioner, which is about 7 months and while also noticing that the petitioner is not involved in any other case and that several other co-accused including identically situated co-accused namely Shiv Kumar have been released on bail, the instant petition merits acceptance and is hereby accepted. 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.

7.5.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No