

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

CRM-M-24388-2021 (O&M)

Date of Decision:- 6.7.2021

Rahul @ Bholu @ Mahender .... Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Suresh Kumar Kaushik, Advocate, for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana,  
assisted by SI Santosh Kumar.

*(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.62, dated 9.2.2016, Police Station Rajindra Park, Gurugram, under Sections 307, 120-B, 34 IPC and Section 25-54-59 of Arms Act.
2. The FIR was lodged at the instance of Sajjan Singh wherein it is alleged that on the night intervening 8/9.02.2016 the complainant along with Jitender, Harvinder, Sonu and Puneet was smoking Huka on the road in front of his house. It is alleged that a white coloured swift car came the meanwhile and was parked at a little distance from the place where they were sitting. After about 10 minutes a young boy who was carrying pistols in both his hands came out of the car and fired bullets at them indiscriminately and as a result of which Puneet

was hit on the back of his head. Thereafter these two unknown boys who had come in a Swift car drove away from there.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused after about 2 years of the occurrence on account of disclosure statement made by co-accused Kabir. It has further been submitted that the petitioner in any case has been behind bars since the last about 3 years and 6 months and that the trial is not proceeding. Learned counsel further submits that since the co-accused Rahul and also Kunal have already been released on bail by this Court, therefore, the petitioner also deserves the same concession on the grounds of parity.
4. Opposing the petition, learned State counsel has submitted that the accused was accompanying the main accused who had fired shots and was sitting in the car in question and had handed over the pistol to the main accused. Learned State counsel has however, not disputed that the petitioner has been behind bars since the last about 3 years and 6 months and that as on date 14 PWs remained to be examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially the fact that the petitioner has been behind bars since the last about 3 years and 6 months and that conclusion of trial is likely to consume time as a large number of PWs still remains to be examined and that co-accused have already been granted bail, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to

his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**6.7.2021**

Mohan

**(GURVINDER SINGH GILL)  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No