

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

CRM-M-9450-2022

Date of Decision: 22nd August, 2022

Satbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Molly A. Lakhanpal, Advocate for the petitioner.
Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in FIR No. 26, dated 26th January, 2021, under Sections 307, 506, 120-B read with Section 34 of Indian Penal Code, 1860 and 25, 27, 29 and 30 of Arms Act, 1959, registered at Police Station Kalayat, Barnala.

2. Learned counsel for the petitioner claims parity with co-accused Satbir Singh @ Sonu who was granted regular bail by this court on 24th January, 2022, this Court passed the following order:

“ Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0026, dated 26.01.2021, under Sections 307, 34 and 506 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Kalayat, District Kaithal.

On 07.01.2022, the following order was passed:-

“Due to COVID-19 situation, the Court is convened through video conference.

Learned counsel for the petitioner submits that petitioner was not armed with a fire armed weapon the only role attributed is that he abused the father of the complainant. It is further argued that the gun shot injury attributed to Ashok @ Shoki. She submits that no fire armed weapon was recovered from the petitioner.

In the reply filed by the State in Para 3 mentioned that “The petitioner has a gun 12 bore and a revolver 32 bore. On 26-01-2021, they reached bus stand Kalayat in Ertiga car no. HR-12-U-8470. He has 32 bore loaded revolver and Ashok had 12 bore loaded gun.”

Learned counsel for the petitioner submits that there were two Satbir involved in the FIR and it was not the petitioner who was having the guns.

Learned State counsel seeks time to have instructions.

List on 24th January, 2022.”

Today, learned counsel for the State, on instructions from SI Mahavir Singh, very fairly submits that the contentions raised by learned counsel for the petitioner on 07.01.2022 are factually correct.

Keeping in view the fact that no fire shot has been attributed to the petitioner and no recovery was made from him, the present petition is allowed. The petitioner is held entitled for grant of regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing observed herein shall be construed to be an expression of an opinion on the merits of the case.”

3. Learned counsel for the State has filed reply. He opposes the prayer for grant of bail but is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

4. Without commenting on the merits of the case, considering that the petitioner was not present at the spot, the fact that conclusion of trial is likely to take time and on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. The petition is allowed.

6. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

22nd August, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No