

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

CRM-M-34204-2022

Date of Decision: 9th August, 2022

Harender @ Bada Gullu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. M.S. Tewatia, Advocate for the petitioner.
Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in case FIR No. 1, dated 2nd January, 2022, under Sections 148, 149, 307, 323, 452 and 506 of Indian Penal Code, 1860, and Section 25 of Arms Act, 1959, registered at Police Chandhut, District Palwal.

2. Learned counsel for the petitioner claims parity with co-accused Devrattan @ Gullu @ Devratan Dagar who was granted regular bail by this Court on 29th July, 2022, this Court passed the following order:

“1. This petition is filed seeking regular bail in case FIR No. 1, dated 2nd January, 2022, under Sections 148, 149, 307, 323, 452 and 506 of Indian Penal Code, 1860, and Section 25 of Arms Act, 1959, registered at Police Chandhut, District Palwal.

2. As per the case set up, police received an intimation on 2nd January, 2022, that Aslam was admitted in Apex Hospital, Palwal. Complainant Amin presented a written complaint for taking action against Harender, Killu and Gullu son of Prem (petitioner) and five unidentified persons. It was stated that on

1st January, 2022, Aamin along with his two sons namely Sahid and Jahid, two drivers and a J.C.B. operator-Aslam were sleeping. At around 11 PM, the accused broke open the gate, forcibly entered the plot with an intention to commit dacoity. A shot was fired which hit the chest of Aslam and when the son of Aamin tried to interevene, two shots were fired.

3. Learned counsel for the petitioner submits that it is a case of false implication. Injured and alleged eye-witnesses have not identified the petitioner.

4. Learned State counsel on instructions, is not in a position to refute the contention raised by learned counsel for the petitioner.

5. Without commenting upon the merits of the case or on the deposition made by the injured and eye-witnesses, considering that custody period and fact that conclusion of the trial is likely to take time, petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.”

3. Learned counsel for the State though 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, on the basis of parity of petition vis-a-vis co-accused so far as grant of bail is concerned and considering that fact that conclusion of trial is likely to take time, 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

9th August, 2022
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No