

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54349-2021 (O&M)
Date of decision: 31.03.2022

Sunil @ Bholi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sajjan Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.99 dated 26.05.2020 under Sections 148, 149, 323, 506, 302, 303, 120-B IPC and Section 25 of Arms Act, registered at Police Station Bahu Akbarpur, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Anuj, he along with his friend Tirath @ Bholu were roaming around. Tirath @ Bholu received a phone call and informed him that Sandeep @ Bachu is called him for having a talk. Both of them went to fields of Satbir, where petitioner Sunil @ Bholi, Sandeep @ Bachu, Joker and Kala and one more person were sitting. They started eating

and drinking. After some time, one person named TT was also came there and went back without any drink. After consuming liquor, Kala was strolling and he suddenly fired at Tirath @ Bholu with his pistol. When Tirath @ Bholu started running, then Kala again fired from his backside. When complainant Anuj tried to save him, Kala aimed pistol on his head, but the weapon could not fire and then, he hit the complainant with but of the pistol. The complainant started running, after getting rescued. Then petitioner Sunil @ Bholi started threatening him that today, they have survived and next time, you also will be finished. It is also submitted that the petitioner is in custody for the last 01 year, 09 months and 23 days and neither any motive is attributed to him in the FIR nor he has actively participated in the commission of crime, as per FIR.

Status report by way of affidavit of Investigating Officer/ASI Rakesh, Police Station Bahu Akbarpur, District Rohtak, filed in the Court today, is taken on record, in which, facts as stated in the FIR are verified and it is stated that the petitioner was part of the conspiracy.

In reply, learned counsel for the petitioner submits that from bare perusal of the FIR, it appears that there was sudden provocation, in which co-accused Kala had fired upon Tirath @ Bholu and the complainant, in which the petitioner has not participated. It is further submitted that even the charges are yet to be framed, therefore, it will take long time in conclusion of the trial.

Learned State counsel, on the basis of custody certificate, filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and

circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

31.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No