

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-9843-2023

Date of Decision: 13.03.2023

Suresh Gaur

.... Petitioner

Versus

State of Haryana

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Sarfaraj Hussain, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 182 dated 09.07.2007 registered under Sections 148, 149, 325 and 307 IPC and Section 25 of the Arms Act at Police Station Civil Lines, Gurugram, Haryana.

Brief facts of the prosecution story in nutshell are that the present FIR was registered on the statement of Anil to the effect that he is working as patrolling inspector in Group 4 Company, since 1999. On 09.07.2007 at around 11:00 A.M he had gone for patrolling. When he came back to his office, he saw that some persons who have been terminated from the company visited his office. He had asked his supervisor Mohan to go to Indiabulls. In the meanwhile, some unscrupulous elements including Ajay, Manoj, Anil, Surender, Samunder, Rishipal, Ram Singh, Sanjeev, Mahavir, Vijay, Luldeep, Balwan, Pawan,

Suresh and several other persons started beating Mohan Lal. On seeing all this, Khushi Ram, Gunman, tried to rescue Mohan Lal. Accused-Samunder attacked upon Khushi Ram with sword. When the complainant tried to settle the matter, one Ajay had taken out pistol from his back and pointed the same on his chin. Samunder, had attacked him with the back of his sword. All the assailants gave beatings to him and threatened to kill him. Thereafter, they fled away from the spot.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The petitioner was not aware of the proceedings and has not been declared as a 'proclaimed offender'. Petitioner is in custody since 05.02.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner who was facing trial had already been acquitted by the trial Court vide judgment of acquittal dated 02.02.2010. He further contends that similarly situated co-accused of the petitioner, namely, Sanjeev and Bijender Singh, have already been granted the concession of anticipatory bail by a co-ordinate Bench of this Court vide orders dated 07.12.2021 and 03.01.2020 (Annexures P-2 and P-3, respectively). Therefore, the petitioner may also be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions of learned counsel for the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner and the fact that co-accused of the petitioner who was facing trial had already been acquitted by the trial

Court vide judgment of acquittal dated 02.02.2010, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Suresh Gaur, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 13, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No