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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3544-2024
Date of decision:-24.05.2024

Vishal @ Gubara
... Petitioner
Versus
The State of Haryana
.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

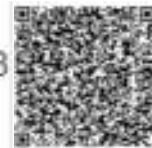
Present:- Mr.Sanpreet Sandhu, Advocate
for the petitioner.
Mr.Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
178	10.03.2020	City Yamunanagar, District Yamunanagar	148, 149, 323, 427, 506, 307 of IPC and Section 25 of 25 of Arms Act

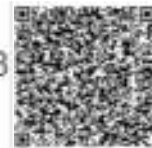
2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Vinod Kumar, who is working with a liquor contractor. He has alleged that when he was returning home along with his friends after celebrating *HOLI*, Raman Balmiki, Janu, Prince, Vishal alias Gubara (present petitioner), Bobby, Manni Sharma, Akash Srivastav alias Shanu, Amit alias Miti, Sunny Murgi, Sandeep Malli along with 10-15

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accomplices intercepted their vehicle. Janu hurled abuses and a brick was thrown on their car, shattering its rear window glass. They sped away from there. The complainant received a call from his mother that 10-15 armed boys were attacking their house. Accompanied by his friends, he reached home and saw Bobby and Raman, were armed with pistols, Vishal alias Gubara was carrying a Maskat, Janu and Amit alias Miti with iron rod, Akash Srivastav with a hammer, Harish and Manni with wooden sticks, Prince with iron rod, Raju Sardar and Sandeep Malli with wooden sticks and their other accomplices, were also armed. Bobby fired from a pistol and a bullet hit the left arm of his friend, Jasbir alias Monu. Vishal alias Gubara fired a shot at him but missed. Raman is also accused of firing at Piyush, who was hit on his back. Sachin was pushed to the ground and assaulted. In the meanwhile, Raman's father came on the spot. An alarm was raised and the accused fled away.

3. Counsel for the petitioner has argued that although the petitioner is alleged to have used a firearm but recovery of wooden stick has been effected from him. He submits that the allegations levelled against him are figment of imagination of the complainant. He submits that the petitioner was arrested on 20.05.2020 and was released on bail, but because he was arrested in another criminal case, he was declared as a proclaimed offender. He asserts that the trial is not likely to conclude in the near future and the petitioner is entitled to be released on bail.

4. *Per contra*, State counsel on instructions from ASI Jasmer Singh has opposed the petition. He has filed custody certificate dated 22.05.2024

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and has highlighted criminal past of the petitioner. He submits that the petitioner is a dangerous person, he has been declared a proclaimed offender and does not deserve the concession of regular bail. As per his instructions, one out of twenty six prosecution witnesses has been examined. He could not ascertain as to whether the complainant has been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner has been in custody for the last more than 12 months. He is alleged to have fired a shot but recovery of firearm was never effected from him. The veracity of the allegations levelled against the petitioner would be gone into by the trial Court on the basis of ocular and documentary evidence led before it. The allegations do not require any examination or comment from this Court at this stage. This Court is, *prima facie*, of the view that the petitioner is entitled to be enlarged on bail though some conditions deserve to be imposed him.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. While being released on bail, the petitioner shall furnish an undertaking by way of an affidavit to the effect that henceforth he will not get involved in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.

9. It is clarified that nothing said hereinabove shall be construed to



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be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

24.05.2024

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No