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

**CRM-M-65239-2024 (O&M)
Date of decision : 13.01.2025**

Deepak @ Bholu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Pragyat Bhardwaj, Advocate
for the petitioner.

Mr. Satish Singla, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 This second petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail in case F.I.R. No.31 dated 01.02.2022 registered under Sections 307/332/353/186/34 IPC and Section 25(1-B) (a) of the Arms Act 1955 to which offence u/s 27(1) of the Arms Act, 1955 were added later on at Police Station Industrial Sector 7, Manesar, District Gurugram.

2 As per the allegations levelled in the FIR, it has been alleged as under :-

“On 01.02.2022, Incharge Inspector Anand Kumar was present in CIA Staff, Sector 31, when he received a secret information that Amit Chauhan @ Amit Ganth and Deepak @ Bholu, who are wanted criminals for murder & attempt to murder and on whom, reward has also been put up by Haryana Police and are also involved in murder of four persons on Deepawali in Village Kasan, are going to IMT Manesar from Village Baslambi and they will go from the underpass



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below the KMP on Apache moto bearing no.WB6-62H-9079. It was also informed that both the criminals could have illegal weapons and they can commit some serious offences and if barricading is done, then, both can be apprehended alongwith the illegal weapons and a serious offence can be prevented. On this information, Inspector Anand Kumar directed the other police officials to constitute the barricading team. As per complainant Inspector Anand Kumar, all the officials were given reflector jackets, bullet proof jackets, torches, arms & ammunition. The complainant has submitted that at about 3.00 AM, ASI Neeraj alongwith ASI Rambir alongwith other police officials went in government vehicle bearing No.HR-26DD-0178 and he, alongwith ASI Vikram, HC Joginder, HC Vishnu & Ct.Sushil Kumar, went in private vehicle bearing No.HC-26CS-0500, near KMP underpass on IMT Road and barricading was done. The complainant has further submitted that Ct.Sushil and Ct.Sumit Kumar were dispatched 500 meters from the barricading towards Village Baslambi with instructions to inform him when they have seen the Apache bike. The complainant has further submitted that on the first barricading ASI Rambir, HC Jogidner, HC Shравan & Ct.Suraj were deputed and on the next barricading, he alongwith SI Neeraj, ASI Vikram, HC Vishnu, HC Bir Singh & Ct.Praveen stood and the government vehicle was stopped at another rasta going parallel. The complainant has further submitted that all the officials were duly briefed and information was also sent to Police Control Room, Gurugram and SHO, P.S.IMT Manesar. The complainant has further submitted that due to night and heavy cold, no passerby went from there and no private person can be engaged in the barricading. After 20-25 minutes, the barricading Ct.Sushil informed him on the phone that two persons are coming towards him on motorcycle as per the information provided by the secret informer. On this information, he asked the barricading team to be alert and in the meanwhile the motorcycle was seen coming towards the underpass. The complainant has further submitted that ASI Rambir signaled the bike rider to stop by torch light and saw the number to be same as told by the secret informer. The complainant has further submitted that instead of stopping the motorcycle sped up and tried to flee. The complainant has further submitted that on the next barricading he signaled them to stop but the boy sitting pillion shouted that they are police men and asked him to



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hit them and fled. Thereafter, he sped up the motorcycle to hit him and it hit ASI Vikram and fell after some distance alongwith the persons sitting on it. Both the criminals got up, pulled out their weapons and the person sitting pillion fired gun shots upon him with intention to kill and the gun shot hit his bullet proof jacket. The complainant has further submitted that after firing both the boys tried to flee on separate directions, upon which, he alongwith his colleagues asked them to surrender, but the boy who initially fired, again fired upon them with intention to kill and the bullet passed from near the ear of HC Bir Singh. The complainant has again asked them to surrender and fired a warning shot in air, upon which, the second criminal started running and fired towards SI Niraj, ASI Rambir and HC Shri Bhagwan while running with intention to kill but it missed its target. SI Neeraj and HC Shri Bhagwan apprehended them after running 30-40 meters with the help of HC Jaiveer. The other criminal again fired upon him ignoring his warning which hit his bullet proof jacket. As per the complainant, in order to prevent the criminal from fleeing and to keep in mind his safety and the safety of police party, he has fired on the leg of that criminal due to which he got injured and fell. The pistol also fell from his hand and on inquiry, he has told his name to be Amit Ganth. The other criminal apprehended by SI Neeraj was also brought before him and on inquiry, he has told his name to be Deepak Bholu. The illegal weapon used by accused Deepak @ Bholu was handed over to him and SI Neeraj was instructed to take Amit Ganth to nearby hospital upon which SI Neeraj along with Ct. Praveen, Ct. Suraj & EASI Anand took Amit Ganth to nearby hospital for treatment. The accused Deepak @ Bholu was asked about permit or licence of his weapon but he could not produce the same and said that it is illegal.”

3 Custody certificate by way of affidavit of Satyabhan, Dsp, Deputy Superintendent, District Prison (Gurugram), Haryana on behalf of State has been filed. The same is taken on record. As per the custody certificate, the petitioner has under gone actual custody of 2 years, 11 months and 8 days.



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4 Learned counsel for the petitioner submits that it is a case of false implication as apart from the bald allegations levelled in the FIR, there is no cogent piece of evidence to yoke the petitioner with the present occurrence. He submits that even though recovery of *desi katta* is alleged to have been affected from the petitioner but no effort was made at any point of time to get the same examined forensically.

5 Learned counsel for the petitioner further submits that the investigation already stands concluded. Challan stands presented and thus there can not be any apprehension that the petitioner shall tamper with the evidence.

6 Despite the fact that the petitioner is behind bars for more than 2 years, 11 months & 8 days only one witness could be examined out of 23. The trial is not going to conclude in the near future as the same is proceeding at snail's pace.

7 Learned State counsel though is not in a position to dispute the aforesaid facts but submits that the petitioner is a hard core criminal having 11 more cases pending against him.

8 I have heard learned counsel for the parties and have gone through the records of the case.

9 Without commenting on the merits of the case, considering the period already spent by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.



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10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

**(PANKAJ JAIN)
JUDGE**

13.01.2025
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No