

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1211-2019 (O&M)
Date of Decision:- 17.1.2019

Siddhant @ Gullu and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Arshdeep Singh Brar, Advocate for the complainant.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek grant of regular bail in respect of a case registered vide FIR No.38 dated 18.9.2018 at Police Station Sector 65, Gurugram under Sections 307, 387, 452, 506, 148, 149 and 216 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The FIR was lodged at the instance of Rahul Kumar, who has alleged that he is working at the godown of his cousin namely Nitish Kumar. It is alleged that on 17.9.2018 five young boys came at the godown, out of which one placed a mobile phone at Nitish's ear and made him talk to someone over the phone and the said person, who was on call, said that he is Bijie from Ghata and threatened that in case Nitish wishes to continue working, he has to pay an amount of ₹1 lac by 10 O'clock, failing which he

would be shot. It is alleged that upon refusal of Nitish to pay any amount, one of the said boys gave a blow on the leg and shoulder of the complainant with a wooden plank while another gave a 'kick' blow to him. It is further alleged that one of the boys took out a pistol and fired twice in the air, out of which one of the shots grazed the shoulder of the complainant. It is further alleged that, thereafter, the said persons fled away in their white colored Scorpio car bearing registration No.HR-51BP-0709.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that they are not named in the FIR and that even in the disclosure statements made by two of the alleged co-accused namely Bijender and Arush, the present petitioners are not named to be amongst the five assailants. The learned counsel, in this context, has drawn the attention of this Court to one such disclosure statement annexed as Annexure P-2 with the present petition.

Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that although the petitioners are not named in the disclosure statements made by Bijender and Arush, but co-accused Mahesh in his disclosure statement has specifically named the present petitioners to be amongst the five assailants. The learned State counsel has informed that the challan has already been filed although the case is yet to be committed to the Court of Sessions.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioners are neither named in the FIR nor in the disclosure statements made by two of the co-accused, who have been arrested, and also that the petitioners have been behind bars since the last more than 2 months and that the trial is yet to commence, in

my opinion, no useful purpose will be served by detaining the petitioners behind bars any further. The petition, as such, is accepted. The petitioners Siddhant @ Gullu and Vipin are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

17.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No