

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

CRM-M-3258-2019 (O&M)
Date of Decision:- 29.1.2019

Sunil ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parveen Kaushik, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0185 dated 19.4.2017 at Police Station Sadar Bahadurgarh, District Jhajjar under Sections 148, 149 and 302 of Indian Penal Code, 1860 and Sections 25 and 54 of Arms Act, 1959.

The FIR was lodged at the instance of Sewa Singh, who has alleged that on the day of occurrence when he alongwith his brother Amit @ Mitta were present in their shop at bus stand of the village and were taking meals, then a Brezza Car bearing registration No.DL-4C-7357 came there, out of which four armed boys came out while the fifth one kept sitting on the driver seat. It is alleged that the said four boys entered in the shop and started firing indiscriminatory at Amit @ Mitta, as a result of which Amit @ Mitta died at the spot. The complainant identified three of the assailants to be Kala, Lala and Vikas.

It is further the case of prosecution that Pardeep, Manjeet, Nafe Singh and Vikas had been arrested in the present case and that they had also made disclosure statements and that Pardeep, Manjeet and Nafe in their disclosure statements have stated that they obtained two pistols, 20 live cartridges and ₹25,000/- from the present petitioner.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the only evidence against the petitioner is in the nature of the aforesaid disclosure statements and that, in any case, he is not stated to have fired at the deceased. The learned counsel has further submitted that the petitioner has been behind bars since the last more than five months.

Opposing the petition, the learned State counsel has submitted that from the disclosure statements of co-accused it is evident that the petitioner had conspired with the remaining co-accused and his complicity would be evident from the fact that he had supplied the fire arms to his co-accused, who fired at the deceased and no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that the petitioner is not stated to have fired at the deceased and the only evidence against him at present is the disclosure statements made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further more particularly in view of the fact that he has been behind bars since the last more than five months. The petition, as such, is accepted. The petitioner Sunil is ordered to be released on bail on his furnishing bail bonds/surety

bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

29.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No