

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

CRM-M-48315-2018 (O&M)
Date of Decision:-15.2.2019

Sandeep @ Sindiya

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Varun Gupta, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. 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.107 dated 20.4.2017 at Police Station Nangal Chaudhary under Sections 148, 149 and 307 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The FIR was lodged at the instance Chhaju Ram, wherein it has been alleged that on the day of occurrence when he alongwith Daya Ram, Pushkar and Ram Chand were going back to their village in a 'Bolero' vehicle, then one unknown vehicle came from front in which 4-5 unidentified persons were sitting and they started firing shots on them and as a result of which he sustained injuries on his neck and left leg. It is also stated that Daya Ram and Pushkar also sustained firearm injuries.

The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and it is on the basis of a disclosure

statement recorded subsequently by one Abahy Singh, who had been arrested in connection with FIR No.82 dated 28.3.2017 registered at Police Station Nangal Chaudhary under Sections 323, 325, 341, 506 and 34 of Indian Penal Code, that the petitioner was involved in the present case. The learned counsel, while referring to the disclosure statement annexed with the petition as Annexure P-5, has pointed out that even as per the said disclosure statement, it is one Karampal, who had fired at the complainant and others and the petitioner Sandeep @ Sindiya is merely alleged to be sitting in the same vehicle.

Opposing the petition, the learned State counsel has informed that the petitioner is a habitual offender and is involved in four other cases pertaining to serious offences including offence under Section 307 of Indian Penal Code and, as such, does not deserve the concession of bail.

The learned counsel for the petitioner has, however, submitted that in all the said cases, the petitioner has been involved on the basis of disclosure statements excepting for FIR No.430 dated 17.12.2017 registered at Police Station Nangal Chaudhary under Sections 332, 353, 186 and 307 of Indian Penal Code and Section 25 of Arms Act.

It is not disputed that the petitioner, in any case, has been behind bars since 10.3.2018.

The learned State counsel has informed that although charges have already been framed, but only 5 out of the cited 25 prosecution witnesses, have been examined.

Having regard to the facts and circumstances of the case and also that the petitioner is involved on the basis of a disclosure statement, the

authenticity and admissibility of which is yet to be tested during the course of trial, and the petitioner has been behind bars since the last about 11 months and that the trial in its normal course is likely to take some time for its conclusion, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Sandeep @ Sindiya 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.

It is, however, made clear that, in case the petitioner ever misused the concession of bail, the prosecution agency will be at liberty to seek the cancellation of order granting bail to the petitioner.

This present petition stands accepted accordingly.

15.2.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No