

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

CRM-M-25224-2019 (O&M)
Date of Decision:- 5.7.2019

Narbir @ Kalu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Mamli, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.119, dated 18.4.2018 at Police Station City, Rewari, District Rewari, under Sections 302, 114, 34 IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Sunder wherein it has been alleged that on 18.4.2018 when he along with his cousin Sarjit were making preparation for a function and were carrying utensils in street and were also accompanied by his nephew Parvesh, then around the corner of the street Vipul took out a pistol and fired at Sarjit and

when they rushed to rescue him, the said Vipul fired another shot while leaving. It is further alleged that Vicky, Dharampal and Amit who were standing at a distance were exhorting Vipul to kill the injured. The complainant and others removed Sarjit to hospital where he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he is neither named in the FIR nor is attributed any injury and that it is the co-accused Vipul who is alleged to be carrying pistol and is stated to have fired at Sarjit.
4. Opposing the petition, the learned State counsel has submitted that in fact during the course of interrogation of co-accused Vipul, he has nominated the present petitioner to be an accused and that pursuant to arrest and interrogation of the present petitioner a country made pistol had been recovered. It has further been submitted that in fact three injuries were found on the person of the deceased which would necessarily show that it is a handiwork of more than one person.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is not named in the FIR nor his description is forthcoming in the same and is sought to be implicated on the basis of disclosure statement made by co-accused, the admissibility and veracity of which is yet to be tested during the course of trial, in my opinion, further detention of the petitioner, who has already been behind bars since the last about one year, will not serve any useful purpose. The petition, as such, is accepted and the

petitioner-Narbir @ Kalu 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.

6. The present petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

July 5, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No