

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

CRM-M-27569-2019

Date of decision:8.7.2019

NIKESH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gautam Dutt, 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 case registered vide FIR No.26 dated 13.12.2018 under Sections 302, 148, 149 of Indian Penal Code, 1860 and Section 25 of Arms Act registered at Police Station Asaudha, District Jhajjar.
2. The FIR was lodged at the instance of Surjit wherein it has been alleged that his brother-in-law Aman has been residing with him since last 6-7 years. It is further alleged that their family had argument and dispute with Dharambir, Karambir @ Madu, Anil, Prem, Narender @ Bheem since the last many days. It is alleged that on 12.12.2018 the accused got together and came to his

grandfather near temple where they had raised construction over a plot and immediately after coming Dharambir @ Monu, Karambir @ Madu, Narender @ Kala and Anil started firing indiscriminately with their pistols. While the complainant hid himself due to fear behind wall, his brother-in-law Aman sustained bullet injuries. It is alleged that Prem and Jaibir had also fired and thereafter they fled away from the spot.

3. Learned counsel has submitted that he is not named in the FIR and it was subsequently that on the basis of disclosure statement made by co-accused Dharambir, he came to be no nominated as an accused.
4. Opposing the petition, the learned State counsel has submitted that since the complainant who has been examined by the trial Court has categorically stated that apart from the accused Dharambir, Karambir, Anil, Jaibir, Prem and Narender there was one more person who was resident of village Goyla Kala and who was identified by the complainant to be the present petitioner, the complicity of the petitioner is evident and that he does not deserve the concession of bail.
5. Having considered rival contentions addressed before this Court and while noticing that the petitioner has been nominated as an accused subsequently on the disclosure statement made by the accused, the veracity and admissibility of which is yet to be tested during the course of trial, the petition, merits acceptance and is

hereby accepted and it is ordered that petitioner 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. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

8.7.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No