

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

CRM-M-61840-2018

Date of decision:25.02.2019

Harender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amandeep Rana, Advocate
for the petitioner.

Mr. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.268 dated 16.07.2018 under Sections 307, 341, 34 of Indian Penal Code, 1860 and Sections 25 of Arms Act registered at Police Station Pataudi, District Gurugram.
2. The FIR was registered at the instance of Pankaj who has alleged that on the day of occurrence when he was returning back home on his motorcycle then he was waylaid by three persons who were drunk. It is alleged that one of them took out keys of his motorcycle and asked him as to whether he knew him and when the

complainant expressed his ignorance the said person told him that he is renowned criminal namely Badshah. His companion was known as Rishi. It is alleged that the accused tried to set him on fire by pouring petrol on him but the complainant managed to run away. It is further alleged that while he was running away the accused fired a shot but the same missed him.

3. Learned counsel for the petitioner has submitted that he has not been named in the FIR and has been nominated as an accused on the basis of a disclosure statement made by co-accused Rishi who was arrested on 23.7.2018. Learned counsel further submitted that the FIR in any case is a result of concoction & consultation and came to be lodged after 11 days of the occurrence.
4. Opposing the petition, the learned State counsel has submitted that the petitioner is involved in three other cases and that since co-accused has specifically named the petitioner, no ground is made out for grant of bail.
5. Having considered rival contentions addressed before this Court and bearing in mind the fact that the petitioner has been nominated on the basis of a disclosure statement made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial and also that the petitioner has been behind bars since last six months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is 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

25.02.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**