

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

CRM-M-23256-2020

Date of decision: **8.9.2020**

SANDEEP @ BOXER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana assisted by
Inspector Dalbir Singh.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.36 dated 10.10.2019 under Sections 148, 149, 307, 427, 452, 506, 120-B IPC & Section 25 or Arms Act, at Police Station Jhojhu Kalan, District Charkhi Dadri.
2. The FIR in question was lodged at the instance of Sharmila wherein it has been alleged that on the day of occurrence i.e. on 10.10.2019, when she along with other members of her family was present in her home, 2-3 boys came near their house in a car and knocked at their gate and asked about whereabouts of Dharmender i.e. complainant's son. When the complainant informed that her son was not at home, one of the boys fired

at complainant with a pistol but the same missed and the shot went past her ear. It is alleged that accused fired another 5-7 shots in the air and entered into the house and destroyed cooler and fans. Later, upon checking CCTV footage, the complainant's son Dharmender found that the accused had come in white coloured Bolero vehicle and he identified some of the accused as Amit @ Kala, Mahesh @ Bantu, Jitender @ Bholi, Ashish and Rahul @ Monu while 3-4 other persons could not be identified. It is alleged that the said persons had taken an amount of ₹10 lacs from Attar Singh for killing Dharmender.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of an alleged disclosure statement made by co-accused Amit. Learned counsel has further submitted that he could not even be identified by the complainant upon watching CCTV footage and that the trial Court has declined his bail application mainly on the ground that the petitioner happens to be involved in several other cases.
4. Opposing the petition, learned State counsel submits that apart from the fact that co-accused Amit named in the FIR made a disclosure statement indicating involvement of the petitioner, the antecedents of the petitioner do not warrant grant of bail. Learned State counsel has however informed that other co-accused named in the FIR have since been granted bail and that the petitioner has been behind bars since the last more than 6 months and that '*Challan*' already stands presented.
5. I have considered rival submissions addressed before this Court.

6. Keeping in view the fact that the petitioner is not named in the FIR and has been nominated as accused on the basis of disclosure statement of co-accused, the veracity and admissibility of which would be debatable and that the petitioner has been behind bars since last more than 6 months and also that the co-accused named in the FIR have since been granted bail, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**