

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

CRM-M-26987-2020

Date of Decision: 16.11.2020

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Atul Pratap Dhankhar, Advocate,
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.241, dated 22.5.2020, Police Station Shahabad, District Kurukshetra, under Sections 307, 34 IPC (Sections 109 and 120 IPC, Section 25, 29 of the Arms Act and Sections 3(1)(R)(S), 3(2) (V) (VA) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, added later on).
2. The FIR in question was lodged at the instance of Jagmal Singh wherein it is alleged that on 21.5.2020 while he along with other members of his family had gone to sleep after having dinner, then at about 10.15 pm a sound of gun-shot was heard and the entire family woke up and when they went out they heard another gun-shot. It is alleged that about 10 days back the priest of temple of their village had informed that Shanti Rana and one more person were heard talking amongst themselves that Jagmal Singh be taught a lesson. The

complainant suspected that the said persons along with Sachin have fired a shot at them with an intention to kill him and other members of his family.

3. Learned counsel for the petitioner has submitted that it is a case where the petitioner is nowhere named in the FIR and has later been nominated as an accused on the basis of disclosure statements allegedly made by co-accused Harpreet @ Sachin and Shanti Rana @ Aman. It has further been submitted that in any case it is a case where nobody had been injured.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a seasoned criminal and in fact has been sentenced to undergo RI for 20 years in a murder case and it was during the course of availing parole that he came to be involved in the present case. The learned State counsel on instructions from SI Pardeep Kumar has however, informed that the petitioner has been behind bars since the last about 6 months and that the other two co-accused are already on bail.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially that it is a case where no one is injured and that the petitioner has been involved on the basis of disclosure statements made by co-accused, the admissibility of which would be debatable, further detention of the petitioner will not serve any useful purpose. 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.

16.11.2020

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**