

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

CRM-M-32371-2020

Date of decision: **15.10.2020**

VIKAS @ JASWANT

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana
assisted by SI Krishan Kumar.

(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.205 dated 24.6.2020 under Sections 307, 120-B, 34 IPC & Section 25 of Arms Act at Police Station Bhuna, District Fatehabad.
2. The allegations as per the FIR are to the effect the police received an information regarding firing of shots by 2 youth on owner of Ashok Marble i.e. Ish Kumar. The police went to the hospital where Ish Kumar was under treatment, who was not declared fit for making statement. Consequently, statement of his brother namely Ashok Kumar was recorded, who alleged that on 24.6.2020 while he and his brother were present in the shop with the other helpers then 2 youths carrying country

made pistols entered into their shop and asked them to handover money failing which they threatened to shoot at them. While his brother Ish Kumar rose up from the counter and went towards the youths, the said youths fired from the pistol hitting complainant's brother namely Ish Kumar, who sustained pellet injuries on his hand, stomach and on his chest. It is alleged that after firing the said 2 boys along with another boy who was waiting outside made good their escape on motorcycle.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of an alleged disclosure statement made by the petitioner himself as he came to be arrested in an another case on 28.6.2020 i.e. in respect of FIR No.207 dated 27.6.2020 under Sections 398, 402 IPC and Section 25 of Arms Act, Police Station Bhuna. Learned counsel has further submitted that even as per alleged disclosure statement, it is not the petitioner who had fired at the injured and that the only allegation is that he had conspired with the remaining accused and had helped them in procuring the weapon from the Uttar Pradesh.
4. Opposing the petition, learned Station Counsel upon instructions from SI Krishan Kumar has submitted that since the petitioner has specifically disclosed about his involvement in the present case and is in fact involved in 3 other cases, it is apparent that he is an habitual offender and, as such, no case for releasing him on bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is not named in the FIR and is stated to have suffered a disclosure statement while he was arrested in an another

case and even as per said disclosure statement is not alleged to have fired on the injured and the allegations against him pertain to conspiracy only and while also noticing that the petitioner as on date has been behind bars since last about 4 months, 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.

15.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**