

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39117-2019 (O&M)
Date of Decision:- 4.3.2020

Parveen Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Siwach, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana
assisted by SI Dharampal.

Mr. Hamid Hussain, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.199, dated 16.4.2018 under Sections 148/149/323/325/307/302/447/511/506/120-B IPC and Section 25 of Arms Act at Police Station Shahabad, District Kurukshetra.
2. The allegations, in nutshell, are that the accused namely Vijender Singh, Randhir Singh, Gurpreet Singh, Kirpal Singh, Jaspal Singh, Karam Singh, Jaswinder Singh, Angrej Singh, Jasmer Singh, Saravjeet Singh, Harpreet Singh, Ajaib Singh, Hukam Chand, Raj Babbar, Chhottu Ram, Kamal Kumar, Nitin @ Khabri, Gurcharan, Rajanpreet Singh along with 200-300 persons armed with deadly weapons like guns, cutters, country made pistols, sticks etc. formed an unlawful assembly and attacked the complainant and

murdered Mangatdeen and Faquirian and also caused injuries to 34 persons, including injuries caused to Asmat Ali which have been declared as dangerous to life and to Deen Mohammad, Khursheed Ali, Sohan Lal and Angoori, who had sustained '*grevious injuries*'.

3. The learned counsel for the petitioner has submitted that he has been falsely implicated in the present case on the basis of an alleged disclosure statement made by one co-accused Jaidev and that the petitioner was never named in the FIR to be an accused, although 19 persons are specifically named therein. The learned counsel has further submitted that the petitioner is a young man, aged 25 years and that there is no other case pending against him and in these circumstances, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that apart from 19 persons named in the FIR, another seven namely Jaidev, Prince, Deepak, Gurjant Singh, Maneet, Varun Kumar and Parveen Kumar have been nominated on the basis of disclosure statements of other accused and that the petitioner is also one of these seven persons so nominated. It has further been submitted that since a large number of persons have been caused injuries in the present case and two had been killed, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 1 year and 8 months and till date only 22 out of 83 cited prosecution witnesses have been examined.
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 is stated to be nominated on the basis of disclosure statement allegedly made by one of the co-accused and that even as per the allegations against the accused, he is alleged to have pelted stones only and is not stated to be armed with any deadly weapon and while also noticing that the petitioner has suffered incarceration of 1 year and 8 months and that trial is not likely to be concluded in immediate future, as only 22 out of cited 83 prosecution witnesses have been examined, further detention of the petitioner will not serve any useful purpose.
7. 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.

March 4, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No