

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

CRM-M-916-2020 (O&M)
Date of decision: 2.3.2020

ARUN DHIMAN @ MUCHHAL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gaurav Sethi, Advocate
for the petitioner.

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

GURVINDER SINGH GILL, J. (ORAL)

CRM-7556-2020

The application is allowed as prayed for and documents Annexures P-3 to P-6 are taken on record subject to all just exceptions.

CRM-M-916-2020

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.227 dated 1.5.2019 under Sections 148, 149, 302, 120-B IPC & Section 25 of Arms Act at Police Station Ambala Cantt., District Ambala.
2. The FIR in question was lodged at the instance of Poonam Devi wherein it has been alleged that she has three sons and a daughter and that all three of her sons are married. It is alleged that on 30.4.2019 at about 10:30

p.m. when she was present at home along with all other members of her family, her youngest son Arun was strolling in the street along with his wife Jyoti. It is alleged that in the meantime, six persons riding on two motorcycles came there. The registration number of one of the motorcycle was '9717' and was being driven by Bunty 'Pehalwan' while Aman and Raman were sitting on the pillion seat. The said Aman and Raman fired at her son Arun Kumar. It is alleged that the other motorcycle was being driven by Hunny while Danny and Aakash were sitting on pillion seat. It is further alleged that when they started taking care of injured Arun Kumar, then Raja, Gulla, Vishal, Ritik Sonkar, Kamal, nephew of Paras, Aadmi, Shiv Kumar Sonkar, Sittu started pelting stones upon them. When the complainant and others raised alarm then several persons of the locality gathered there and the accused ran away from the spot. It is further the case of prosecution that although injured Arun Kumar was taken to Civil Hospital, Ambala from where he was referred to Chandigarh hospital, but he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Akashdeep. It has further been submitted that even as per the said disclosure the only role attributed to the petitioner is that he had pelted stones at complainant and others after the other accused had fired at the deceased.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner had conspired with co-accused for eliminating the deceased, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court. The petitioner, apparently, is not named in the FIR. He is sought to be nominated on the basis of disclosure statement made by Akashdeep. The main role attributed even in the said disclosure statement is that he had pelted stones at members of the family of the complainant after the co-accused had fired at deceased. The veracity and admissibility of the disclosure statement would be debatable during the course of trial.
6. In view of the aforestated discussion and while refraining from making any expression as regards merits of the case and while bearing in mind that the petitioner has been behind bars since last 5 months and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
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.

(GURVINDER SINGH GILL)
JUDGE

2.3.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No