

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

CRM-M-8602-2021 (O&M)

Date of Decision:- 2.3.2021

Pramod Alias Tola

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Kshitij Bharati, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,  
assisted by SI Mahabir.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.215 dated 06.10.2020 at Police Station Ateli, District Mahendergarh, under Sections 120-B/148/149/323/307 IPC and Section 25/54/59 of Arms Act.
2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein he has alleged that he is a driver and that on 6.10.2020 when he along with Manoj, Ghanshayam and Jitendra were sitting in Thar vehicle bearing registration No.HR-19H-6595 and had parked the

same near Kanina Chowk, Ateli Mandi, then Ghanshayam got out of the said vehicle. In the meantime, one Bolero camper came and hit against their vehicle as a result of which their car struck against a fruit vendor's cart. It is further alleged that thereafter three more vehicles came there in which there were about 20-25 persons who started firing upon the complainant and others and also attacked with sticks, farsi, iron rod and swords. The complainant stated that he was shot in the palm while Manoj was shot in the hip and also sustained head injuries. After causing injuries the assailants ran away from the spot. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahu, Maandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that even if the FIR is taken to be correct, still it is only two persons who are stated to have received injuries although the accused are stated to be numbering about 30 and were carrying weapons like sticks, farsis and swords. It has been submitted that no one from the complainant side is alleged to have received any incised wound so as to substantiate the allegations.
4. On the other hand, learned State counsel has submitted that since two of the persons had sustained fire arm injuries i.e. the complainant on his palm and his friend on his hips, the allegations are fully substantiated. Learned State counsel has further pointed out that although the petitioner is not named in the FIR but the co-accused Parvesh in his disclosure statement recorded on 6.10.2020 has

specifically named the petitioner and so have the other accused namely Chaman and Sahil whose statements were recorded on 8.10.2020 and who have alleged that the petitioner had also damaged the vehicle belonging to the complainant with the help of stick. Learned State counsel has informed that the petitioner as on date has been behind bars since the last more than 4 months and that he is not involved in any other case and that challan already stands presented.

5. I have considered rival submissions addressed before this Court.
6. Admittedly the petitioner is not named in the FIR and has been subsequently nominated as an accused on the basis of disclosure statements made by co-accused, the admissibility of which would be debatable. In any case even as per the disclosure statements the petitioner is alleged to have been armed with stick and is alleged to have damaged the vehicle belonging to the complainant. The petitioner has been behind bars since the last about 4 months and is not stated to be involved in any other case. In these circumstances, 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.

**March 2, 2021**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No