

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

222

CRM-M-9144-2021 (O&M)

Date of Decision: 24.03.2021

Gaurav @ Koka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Narender Singh, Advocate, for
Mr. Bijender Singh Dhakhar, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana
assisted by ASI Vijay Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.468 dated 30.12.2019 at Police Station Hathin, District Palwal, under Sections 307/341/34 IPC and Section 27 of the Arms Act.
2. The FIR in question was lodged at the instance of Rajender Prasad, wherein it is alleged that on 30.12.2019, two boys who had come on a motor-cycle had fired at his nephew Devender with an intention to kill him and that on account of receipt of the said firearm shots, his nephew fell on the road while the assailants fled away from the spot.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and was nominated subsequently on the basis of

some supplementary statement. It has been submitted that it is in fact a false case registered against the petitioner and the falsity of the same would be evident from the fact that when the statements of the complainant, injured and other witnesses were recorded before the trial Court, they did not support the case of the prosecution at all.

4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be nominated as an accused on the basis of supplementary statement of the injured and in fact the empty shells recovered from the spot were also found to have been fired from the gun recovered from the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 10 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Given the fact that the complainant Rajender Prasad, injured Devender and also the other eye-witnesses have completely resiled from their statements, as would be evident from the perusal of statements annexed as Annexures P-2 to P-4 and while also noticing that the petitioner as on date has been behind bars since the last about 10 months and is not stated to be previously involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will 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.

24.03.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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