

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

CRM-M-10998-2021 (O&M)

Date of Decision:- 23.8.2021

Tushar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balwinder Singh Sudan, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Anil Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.749, dated 6.10.2020, Police Station Bhiwani Sadar, District Bhiwani, under Sections 307, 323, 34 IPC and Section 25, 54 of Arms Act.
2. The FIR was lodged at the instance of Bajrang wherein it has been alleged that on 5.10.2020 when he along with his son was present at his hotel, then Pardeep accompanied by Monu and one unknown person attacked them. It is alleged that Pardeep gave beatings to him

despite the fact that he and his son Shubham were requesting them with folded hands not to give them beatings. It is alleged that Monu was holding some object in his hand which he hit on the head of the complainant's son Shubham. When the complainant tried to save him then Pardeep gave a blow with 'stick' on his head and waist. It is further alleged that Monu was carrying a pistol and fired at his son Shubham hitting him on his left shoulder. Pardeep is alleged to have exhorted him for shooting. It is further alleged that the unknown boy caught hold of the complainant and Pardeep took pistol from Monu and fired at complainant's abdomen.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and is nowhere named in the FIR and has subsequently been nominated on the basis of disclosure statement of co-accused Pardeep. It has further been submitted that even if it is presumed that the unknown boy accompanying Pardeep and Monu was the petitioner, still it is the other two co-accused who are alleged to have fired at the complainant and his son and the petitioner is not attributed any injury.
4. Opposing the petition, learned State counsel has submitted that the petitioner was instrumental in commission of offence as he facilitated the causing of injuries to the complainant by the co-accused inasmuch as he had held the complainant while the co-accused shot at the complainant. 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. Having regard to the facts and circumstances of the case particularly the fact that the petitioner came to be nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and while also noticing that it is the other two co-accused who are alleged to have fired at the complainant and his son and the role attributed to the petitioner is that he had held the complainant while the co-accused caused injuries and while also noticing that the petitioner as on date has been behind bars for a substantial period of 10 months, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No