

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

(I)

CRM-M-12049-2021 (O&M)

Date of Decision:- 23.3.2021

Ravinder

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-12062-2021 (O&M)

Sahil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner in CRM-M-12049-2021.

Mr. B.S.Saroja, Advocate,
for the petitioner in CRM-M-12062-2021 .

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Ashok Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Ravinder and Sahil, seek grant of regular bail in a case registered vide FIR No. 215, dated 06.10.2020, Police Station Ateli, Tehsil Narnaul, District Mahendergarh, under Sections 148/149/323/307 of Indian Penal Code and Section 25 of Arms Act, wherein offence under Section 120-B IPC was added later on.
2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein it has been alleged that on 06.10.2020, he alongwith Manoj, Ghanshayam and Jitender were going on car bearing registration No.HR19H-6595, which was being driven by him. It is alleged that at about 4.05 PM, when he parked the car near Kanina Chowk, Ateli Mandi, Ghanshayam alighted from the car while he was sitting on the driver seat. It is alleged that at that point of time, a Bolero camper car came from the side of Kanina and hit against their car and resultantly their car struck with a fruit Rehri. Thereafter, three more vehicles came there and 20/25 persons alighted from the said vehicles and started firing at them with an intention to kill them. The said persons attacked their car with sticks, *farsi*, iron rod and sword. It is alleged that one bullet hit on the hand of the complainant. While Jitender ran away, Manoj was hit on his hip with a bullet. He also

sustained injuries on his head. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahul Mandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar, Surani, Gourav and Neeraj.

3. Learned counsel for the petitioner(s) have submitted that they are nowhere named in the FIR and have been nominated as an accused on the basis of alleged disclosure statements made by some other co-accused namely Vikas, Anurag, Sahil, Ankit, Pardeep and Rantej. It has been submitted that such like disclosure statements cannot be said to be substantive evidence and as such, the petitioners deserve the concession of bail particularly when challan already stands presented. It has further been submitted that some of the co-accused have already been granted bail.
4. Opposing the petition, learned State counsel has submitted that since large number of co-accused have consistently named the petitioner(s) to be the accused, who were stated to be carrying a stick and are alleged to have caused injuries to the complainant, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner(s) have been behind bars since the last more than 5½ months.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner(s) are not named in the FIR and are alleged to have been nominated on the basis of disclosure statements made by co-accused, the admissibility and veracity of which would be debatable and while noticing the fact that

the petitioner have been behind bars since the last more than 5½ months and that challan already stands presented, further detention of the petitioner(s) will not serve any useful purpose particularly when trial is yet to commence. Both the petitions, as such, are accepted and the petitioner(s) are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 23, 2021
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No