

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

CRM-M-9178-2020 (O&M)
Date of Decision:- 24.2.2021

Sanjiv @ Sanju

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Soni, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Birender Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.583, dated 31.10.2018, Police Station Dharuhera District Rewari, under Sections 302, 34, 506 IPC and Section 25 of Arms Act.
2. The FIR in the instant case was lodged at the instance of Babu Lal wherein it is alleged that on 30.10.2018 when his brother Rambir @ Bagga came out from his house to take milk from him as he used to supply the same, one motorcycle which was being driven by Naresh

came there on which another boy was sitting on the pillion seat. Naresh stopped his motorcycle near them and after taking out a pistol from his shirt fired at complainant's brother Rambir on account of which he fell down. Thereafter the person accompanying Naresh fired shots randomly. When the complainant rushed forward to save his brother, they fired in the air and thereafter ran away on their motorcycle. The complainant's brother succumbed to injuries sustained on account of the fire-arm.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused subsequently when aforesaid Naresh came to be arrested and who is stated to have made a disclosure statement to the effect that petitioner had sold the pistol and cartridges to Naresh for a sum of ₹50,000/-. Learned counsel has further submitted that even as per the case of prosecution, the petitioner had purchased the pistol in question from one Karambir for an amount of ₹45,000/- and after adding an amount of ₹5,000/- as profit, he further sold the same to Naresh for an amount of ₹50,000/-. It has been submitted that the only role attributed to the petitioner is that he had earned profit of ₹5,000/- from the transaction and that he cannot be said to be conniving in any manner for murder of complainant's brother.
4. Opposing the petition, learned State counsel has submitted that since during the course of investigation it has been found that petitioner had supplied the weapon used for committing murder, no case for grant of bail is made out. It has further been submitted that the

petitioner happens to be involved in one more case registered under Sections 120-B, 186, 302, 307, 333, 353 IPC and Sections 25/54/59 of Arms Act. Learned State counsel has however, informed that petitioner as on date has been behind bars since the last more than 1 year and 7 months and that as on date 3 out of the cited 28 PWs stand examined.

5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner is not alleged to have directly participated in murder of the deceased and the role attributed to him is that he had supplied the pistol used for murdering the deceased, for an amount of ₹50,000/- and while noticing that the petitioner as on date has been behind bars since the last more than 1 year and 7 months and the trial in its normal course is not likely to be concluded in immediate future, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 24, 2021

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No