

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

CRM-M-18422-2021 (O&M)

Date of Decision:-20.5.2021

Rajinder Kumar @ Bangar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Kaushik, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Bhajan Lal.

(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.0352 dated 21.12.2019 at Police Station Model Town, District Hoshiarpur under Section 307, 336 of Indian Penal Code and Sections 25/54/59 of Arms Act, wherein offences under Sections 386, 506 and 120-B IPC were added later on.
2. The FIR in question was lodged at the instance of Malkit Singh wherein it is alleged that he was working as a private security guard at kothi No. 13-R, Model Town, Hoshiarpur, belonging to Sh. Naresh Aggarwal, liquor contractor. It is alleged that on 20.12.2019, at about 7.50 pm. some unknown

persons came outside the house of Sh. Naresh Aggarwal and started firing with an intention to kill him and that one of the shots hit on the ankle of his left foot. The unidentified persons, after firing fled away from the spot.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated as accused on the basis of a disclosure statement allegedly made by co-accused Paras Sharma. It has further been submitted that in fact even as per the said disclosure statement, one of the co-accused namely Deepak Kumar @ Binny Gujjar was in jail at the time of occurrence in hand.
4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner is habitual offender having been involved in several cases and that in these circumstances, no case for grant of bail is made out. Learned State counsel has, however, informed that as on date the petitioner has been behind bars since the last more than one year and that charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that as on the date of occurrence, co-accused Deepak Kumar @ Binny Gujjar was confined in jail. As per the disclosure statement made by Paras Sharma, he knew Deepak Kumar through his friend Sourav Jindal and was in touch with Deepak Kumar @ Binny Gujjar through WhatsApp on his mobile number +447417563697. He disclosed that on 20.12.2019 Binny Gujjar told him from jail that his brother Sourav Jindal will hand over one weapon and Pulsar motorcycle to him and that another weapon will be given to him by Gurmukh Singh. Binny Gujjar is alleged to have further told Paras Sharma that Binny Gujjar's friend Rajinder Kumar

will contact Paras Sharma and that both of them would have to fire shots at the house of Naresh Kumar, Contractor and that pursuant to the said directions they had fired at the house of Naresh Aggarwal. The veracity of such like disclosure statement made by co-accused would be tested during the course of trial and its admissibility would be subject to its corroboration by other evidence. Further it remains unexplained as to how co-accused Deepak Kumar had an access to a mobile phone while in jail. In any case, since the petitioner has been behind bars since the last more than one year and conclusion of trial is likely to consume time as even charges have not been framed and as many as 22 witnesses have been cited, 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.

20.5.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No