

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-20870-2021

Date of Decision : 28.05.2021

Sanjay

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 89, dated 16.04.2021, registered under Sections 147, 149, 307 IPC and Section 25/54/59 of the Arms Act, 1959 and (Section 34 IPC and Section 27 of the Arms Act, 1959 added later on), at Police Station Linepar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner argues that petitioner is innocent and has wrongly been roped in the present FIR. Learned counsel for the petitioner further argues that petitioner was not named in the FIR but has been roped in the present FIR on the basis of disclosure statement of the co-accused, which statement is yet to be proved during trial. Learned counsel further argues that there is no allegation with regard to any injury

inflicted by the petitioner upon the victim and the allegation of using firearm is attributed to the co-accused from whom the alleged firearm has also been recovered and, therefore, as no injury upon the victim is attributed to the petitioner and also keeping the fact that petitioner was not named in the FIR, petitioner be granted the benefit of regular bail.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that as per the allegations, there were 10 to 12 people, who assaulted the victim. Two accused, who were named in the FIR, including the one who had fired the gun shot, named the petitioner being their accomplice in their disclosure statement. Learned State counsel though concedes that no injury upon the victim is attributed to the petitioner and the petitioner was also not named in the FIR.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner was not named in the FIR and has been roped in the present FIR on the basis of disclosure statement of co-accused, which statement is yet to be proved during the trial and also keeping in view the conceded fact that no injury is suffered by the victim and the allegation of firing the gun shot is attributed to the co-accused, from whom the said gun has been recovered, the petitioner has made out a case for the grant of regular bail, especially, when learned counsel for the petitioner has

undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 28, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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