

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

CRM-M-21207-2021 (O&M)
Date of Decision:-5.10.2021

Vikram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pankaj Bali, Advocate with
Mr. Lakshay Bajaj, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Umesh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.240 dated 5.6.2020 at Police Station Kharkhoda, District Sonapat under Sections 148, 149, 202, 302, 420, 468, 471, 212, 120-B of Indian Penal Code and Section 25, 54 and 59 of Arms Act.
2. The FIR was lodged at the instance of Indu wife of Sanjay (deceased). It is alleged that the complainant's husband namely Sanjay was running a grocery shop at village bus stand. On 5.6.2020 at about 6 p.m. when she was going

towards her husband's shop in connection with some personal work and was about 20-30 meters short of the shop, she saw a boy on a motorcycle accompanied by another 3 boys on scooty and that one of the said three boys on scooty was Romil, who was carrying a pistol in his hand. It is alleged that even his companions were also carrying pistols. Romil is stated to have fired a shot from the pistol hitting the complainant's husband on his chest. Another boy fired at the temple of complainant's husband. When the complainant rushed forward to rescue her husband, then Romil threatened her to keep away otherwise she would also be killed. The complainant alleged that Romil and his companions had killed her husband because of old enmity.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is sought to be nominated on the basis of supplementary statement of the complainant recorded on 8.6.2020 and that the said supplementary statement is apparently an improvement and would not carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the supplementary statement was made shortly after lodging of the FIR i.e. after about 3 days, wherein the petitioner is specifically alleged to have conducted a recce of the place of occurrence so as to facilitate the commission of crime, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 3 months and that he is not involved in any other case. It has been informed that as on date not even a single PW out of the cited 14 PWs has been examined and infact charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.

6. It is correct that the petitioner is not named in the FIR and came to be nominated subsequently on the basis of supplementary statement recorded on 8.6.2020. However, even if the said supplementary statement is taken to be correct, still the only role that is attributed to the petitioner is that he had conducted a recce of the place of occurrence and had informed his co-accused about the movements and presence of the deceased so as to facilitate the commission of crime. It is not the case of prosecution that the petitioner had also participated in firing at the deceased or that he was also present at the spot. The petitioner, in any case, has been behind bars since the last about 1 year and 3 months and conclusion of trial is likely to consume time as not even a single PW out of the cited 14 PWs has been examined so far. The petitioner is not stated to be involved in any other case. In these circumstances, 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.

5.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No