

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

CRM-M-25553-2021 (O&M)

Date of Decision:-4.8.2021

Paras Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Saurav Khurana, DAG, Punjab,
assisted by ASI Kuldip 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.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 arrayed as an accused subsequently on the basis of a confessional statement allegedly made by the petitioner himself when he came to be arrested in another case registered against him under NDPS Act. Learned counsel submits that such like confessional statement of the accused himself would hardly carry any evidentiary value and that in these circumstances he deserves the concession of bail particularly when other co-accused have already been granted bail by this Court.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a known criminal having been involved in as many as 5 other cases and in these circumstances, he does not deserve the concession of bail.
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 petitioner 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. Petitioner Paras Sharma is alleged to have 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 petitioner 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.

7. It is the said confessional statement of the petitioner himself on which the prosecution places reliance. The admissibility of such like confessional statement would certainly be debatable. It is not in dispute that other identically situated co-accused including Rajinder Kumar @ Bangar, Sourav Jindal and Deepak Kumar @ Binny Gujjar have already been extended the benefit of bail by this Court vide order dated 7.4.2021 and 20.5.2021. The petitioner as on date has been behind bars since the last about 1 ½ years and as on date not even a single witness out of the 22 cited witnesses has been examined. Further detention of the petitioner, in these circumstances, will not serve any useful purpose as conclusion of trial will take substantial time. The present 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.

4.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No