

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-33334-2021 (O&M)

Date of Decision: 09.12.2021

Sahil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikram Rana, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Ravinder Kumar.

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.0397 dated 25.10.2020 at Police Station Sadar, Jind, under Sections 148/285/307 IPC and Section 25/54/59 of the Arms Act.
2. The FIR was lodged at the instance of Sandeep, wherein it is alleged that he is running a liquor vend in partnership with one Anil. It is alleged that on 25.10.2020 at about 10:00 AM, when he was present at his residence alongwith his uncle, then one white coloured i20 car stopped in front of his house. He alongwith his uncle went out and saw that Sunil @ Sheela, Sachin, Shivam and Kuldeep were sitting in the said car carrying pistols in their hands and they fired upon the complainant and his uncle. The complainant and his uncle ran towards the roof of their house, but the accused fired at them from the street and the shots hit the grills and the

- walls of their house. It is further alleged that the complainant shut the door of his house from inside. It is alleged that the aforesaid 4 accused, namely, Sunil @ Sheela, Sachin, Shivam and Kuldeep accompanied by 2/3 persons, who were sitting in the car, ran away from the spot.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement. It has further been submitted that there is an improvement made in the supplementary statement as regards the allegations of firing by the petitioner also, whereas the same is rather in contradiction with the allegations leveled in the FIR, where allegations of firing are only against 4 persons named therein.
 4. Opposing the petition, learned State counsel has submitted that the supplementary statement came to be recorded after about 10 days of the occurrence and cannot be doubted inasmuch as the complainant at the time of occurrence was in a state of shock and could not disclose complete particulars. It has further been submitted that the petitioner is a member of a gang of criminals and that on the date of occurrence i.e. 25.10.2020 he alongwith others had indulged in incidents of firing at 3 different places in respect of which three separate FIRs bearing No.0395, 0396 & 0397 of even date came to be lodged and in fact, one Ajay was also injured in respect of which FIR No.0395 dated 25.10.2020 was lodged. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and that although challan has been presented, but charges are yet to be framed and as many as 24 PWs have been cited.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that none was injured in the instant case though allegations of firing have been leveled. The name of the petitioner does not figure in the FIR and came to be nominated subsequently on the basis of a supplementary statement. Going by the allegations made in the FIR, the specific allegations of firing have been leveled against 4 persons, namely, Sunil @ Sheela, Sachin, Shivam and Kuldeep and there is no allegation that any of their companion had also fired. The petitioner, in any case, has been behind bars since the last more than 1 year. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and as many as 24 PWs have been cited. 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.

09.12.2021

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**(GURVINDER SINGH GILL)
JUDGE**

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