

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

CRM-M-33284-2021 (O&M)

Date of Decision:-24.8.2021

Rajnish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Thakur, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Lal 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.215 dated 6.10.2020 at Police Station Ateli, District Mahendergarh under Sections 148, 149, 307, 323, 120-B of Indian Penal Code and Sections 25, 54 and 59 of Arms Act.
2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein it has been alleged that on 06.10.2020, he alongwith Manoj, Ghanshayam and Jitender were going on car bearing registration No.HR19H-6595, which was being driven by him. It is alleged that at about 4.05 PM, when he parked

the car near Kanina Chowk, Ateli Mandi, Ghanshayam alighted from the car while he was sitting on the driver seat. It is alleged that at that point of time, a Bolero camper car came from the side of Kanina and hit against their car and resultantly their car struck with a fruit Rehri. Thereafter, three more vehicles came there and 20/25 persons alighted from the said vehicles and started firing at them with an intention to kill them. The said persons attacked their car with sticks, *farsi*, iron rod and sword. It is alleged that one bullet hit on the hand of the complainant. While Jitender ran away, Manoj was hit on his hip with a bullet. He also sustained injuries on his head. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahul Mandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar, Surani, Gourav and Neeraj.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of alleged disclosure statements made by some other co-accused namely Vikas, Anurag, Sahil, Ankit, Pardeep and Rantej. It has been submitted that such like disclosure statements cannot be said to be substantive evidence and as such, the petitioner deserves the concession of bail particularly when challan already stands presented.
4. Learned counsel for the petitioner submits that although the police claims that one 'Doga' (a 2 feet double barrel country made gun) was recovered from the petitioner but the medical evidence does not suggest that the injured had received pellet injuries and that as per the case of prosecution, two persons i.e. complainant Sanjeev @ Sanjay and Manoj had sustained bullet injuries, which could have been fired from a pistol and that it is the other two co-accused, who are alleged to be carrying pistols. Learned counsel has

further submitted that, in any case, a large number of co-accused have already been granted bail and that since the petitioner has been behind bars since the last about 10 months, the petitioner also deserves the same concession.

5. Opposing the petition, learned State counsel has submitted that since the petitioner has been named by several of the co-accused, his complicity is clearly evident particularly when a country made double barrel gun was also recovered at his intance. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 10 months and is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner is not named in the FIR and has been nominated on the basis of disclosure statement of co-accused, the veracity and admissibility of which would be debatable. In any case, since a large number of co-accused have already been granted bail and the petitioner has also been behind bars for a substantial period of about 10 months, his further detention will not serve any useful purpose particularly when no PW out of the cited 21 Pws has been examined so far. 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.

24.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No