

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

(I)

CRM-M-28923-2020 (O&M)

Date of Decision:- 9.9.2021

Hariom @ Monty

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-24044-2021 (O&M)

Rishi Raj @ Sainki

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Farukh Abdullah, Advocate,
for the petitioner in CRM-M-28923-2020.

Mr. Ajay Dahiya and Baljeet Beniwal, Advocates,
for the petitioner in CRM-M-24044-2021 .

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by HC Nepal Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Hariom @ Monty and Rishi Raj @ Sainki, seek grant of regular bail in a case registered vide FIR No. 94, dated 8.2.2019, Police Station Sadar, Palwal Haryana, under Sections 395, 397, 120-B IPC and Sections 25-54-59 of Arms Act.
2. The FIR in question was lodged at the instance of Nihal wherein it is alleged that he is running a “*puncture*” shop and on 8.2.2019 at about 11 am a black coloured Scorpio vehicle bearing registration No. UP-82V-9321 came to his shop and he had repaired the stepney tyre. Just at about the same time, a car came from Mathura side in which there were 4-5 occupants and which stopped near the Scorpio vehicle and the occupants of the said car immediately started beating both the persons sitting in the Scorpio vehicle and also fired at them with their country made pistols. When the complainant went forward, the assailants pointed a pistol at him as well. The assailants fired 3-4 shots on the occupants of Scorpio vehicle and thereafter snatched the scorpio vehicle, mobile phones and also their money and fled away from the spot. The complainant immediately rushed to help the injured persons who disclosed their names as Ramesh Kumar and Bhanu Partap and who were taken to hospital for treatment.
3. Learned counsel for the petitioner(s) have submitted that they have been falsely implicated in the instant case and are nowhere named therein and have subsequently been nominated as accused, when they were arrested in another case after about 2 days of the occurrence and

are alleged to have confessed their crime and involvement in the instant case. Learned counsel has further submitted that in any case even as per the medical evidence, both the injured were found to be sustaining only one injury each and that too on their legs and as such cannot be said that it was any kind of murderous assault on part of the petitioners. It has further been submitted that in any case it is the co-accused Mohinder and Sandeep who are alleged to have fired at the injured as per their disclosure statements and it is not the present petitioners who are attributed the said injuries.

4. Opposing the petitions, learned State counsel has submitted that all the accused had came together in a car and had attacked the injured who were in a Scorpio vehicle and had caused injuries to them and had snatched their Scorpio vehicle, mobile phone and cash, which they were carrying. Learned State counsel has submitted that Scorpio vehicle was recovered from the petitioner-Hariom who was also found to be carrying a pistol and 3 cartridges which were recovered. It has been submitted that another pistol and 4 cartridges were recovered from petitioner-Rishi Raj and in these circumstances, their complicity is clearly evident. Learned State counsel has however, informed that the petitioners have been behind bars since the last about 2 years and 7 months. It is further informed that while petitioner-Hariom is involved in one more case, petitioner-Rishi Raj is involved in 6 other cases. It has also been informed that as on date only 1 out of the cited 17 PWs has been examined.

5. I have considered rival submissions addressed before this Court.

6. The petitioners, are not alleged to have fired at the injured and are not named in the FIR and have been involved on the basis of their own disclosure statements. The petitioners in any case have been behind bars for a substantial period of 2 years and 7 months and conclusion of trial is likely to consume time as till date only 1 out of cited 17 PWs has been examined. In these circumstances, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of connected case.

9.9.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No