

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

CRM-M-34700-2020 (O&M)
Date of Decision:- 25.2.2021

Vakil @ Gokal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bishnoi Godara, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Krishan Kumar.

(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.205, dated 24.6.2020, Police Station Bhuna, District Fatehabad, under Sections 307, 120-B, 34 IPC and Section 25/54/59 of Arms Act.
2. The allegations as per the FIR are to the effect that the police received an information regarding firing of shots by 2 youth on owner of Ashok Marble i.e. Ish Kumar. The police went to the hospital where Ish Kumar was under treatment, who was not declared fit for making statement. Consequently, statement of his brother

namely Ashok Kumar was recorded, who alleged that on 24.6.2020 while he and his brother were present in the shop with the other helpers then 2 youths carrying country made pistols entered into their shop and asked them to handover money failing which they threatened to shoot at them. While his brother Ish Kumar rose up from the counter and went towards the youths, the said youths fired from the pistol hitting complainant's brother namely Ish Kumar, who sustained pellet injuries on his hand, stomach and on his chest. It is alleged that after firing the said 2 boys along with another boy who was waiting outside made good their escape on motorcycle.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated as an accused on the basis of a disclosure statement allegedly made by one Sahil Khan wherein he is alleged to have stated that the petitioner had conspired with the remaining accused for the purpose of commission of offence and that he had given an amount of ₹2000/- to his co-accused for the purpose of helping them for commission of offence. It has been submitted that such like disclosure statement can hardly be said to carry any evidentiary value in the absence of any corroborative evidence.
4. Opposing the petition, learned State counsel has submitted that since a co-accused has categorically named the petitioner who in fact happens to be a seasoned criminal having been involved in 7 other cases, 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 8 months and that the charges are yet to be framed.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been nominated on the basis of a disclosure statement allegedly made by co-accused, the admissibility of which would be debatable and while noticing that even as per the said disclosure statement it is not the petitioner who had actually committed the offence and is alleged to have conspired with the co-accused only and while also noticing that the petitioner as on date has been behind bars since the last about 8 months and the trial is yet to commence, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 25, 2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No