

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

212

CRM-M-40708-2021

Date of Decision: 12.10.2021

Meharan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Kashmir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.205 dated 24.06.2020 at Police Station Bhuna, District Fatehabad, under Sections 307/34/120-B & 212 IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Ashok Kumar, wherein it is alleged that on 24.06.2020 while he alongwith his brother was present at their shop, two young boys, who were carrying country-made pistols, demanded money and fired at his brother as a result of which he sustained injuries on his hand, stomach and chest. It is further alleged therein that one of their accomplice stood outside the shop on a motor-cycle and after the occurrence all three of them made good their escape on the motor-cycle.

3. It is further the case of the prosecution that on 15.07.2020, co-accused Sandeep @ Jhabal was arrested, who suffered a disclosure statement that the weapons used in the occurrence had been procured from Rishi Pal. Said Rishi Pal was also arrested on 17.07.2020 and who further made a disclosure statement that it is the petitioner who had supplied the pistols and cartridges.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and is nowhere named in the FIR. It has been submitted that the petitioner has been implicated pursuant to a disclosure statement made by co-accused Rishi Pal, who himself came to be nominated on the basis of a disclosure statement and that no sanctity or credibility can be attached to such like statement.
5. On the other hand, learned State counsel has informed that the petitioner apart from having been named by the co-accused also happens to be involved in one more identical case and as such, it is apparent that he is indulging into similar kind of offences and is infact a supplier of arms.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case particularly the fact that the petitioner came to be nominated on the basis of a disclosure statement of co-accused, who himself was nominated pursuant to a disclosure statement made by another co-accused, the involvement of the petitioner would be debatable as the veracity and admissibility of such disclosure statement would

be questionable. As such, the petition merits acceptance and is hereby accepted. The petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

8. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

12.10.2021

Vimal

(GURVINDER SINGH GILL)**JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**