

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

CRM-M-42302-2021 (O&M)
Date of Decision:-1.11.2021

Ram Niwas

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.340 dated 23.6.2021 at Police Station City Kaithal under Sections 148, 149, 307, 323 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act.
2. Learned counsel for the petitioner submits that the allegations levelled in the FIR are broadly to the effect that Satish, Sunil @ Sahab, Pawan, Raju, Ruldu and Ram Chander had caused injuries to Isham Singh, Nafe Singh, Rajesh and Raghbir and that the petitioner is nowhere named in the FIR but has subsequently been nominated as an accused on the basis of disclosure statements allegedly made by Sunil @ Sahab and Pawan, who have stated

that the petitioner had also caused a 'lathi' blow to Raghbir (injured). Learned counsel for the petitioner has submitted that the admissibility of disclosure statement made by co-accused would be debatable and since there is no other credible evidence to connect the petitioner with the alleged occurrence, he deserves the concession of bail particularly when he has a clean record.

3. Opposing the petition, learned State counsel has submitted that since two of the co-accused have specifically nominated the petitioner as their companion and who have stated that the petitioner had also given a blow with stick, 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 4 months and is not involved in any other case.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner is not named in the FIR though 6 other persons were specifically named, and the petitioner came to be nominated on the basis of disclosure statement, the admissibility and veracity of which would be debatable and while also noticing that the petitioner has been behind bars since the last about 4 months and has a clean record, 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.

1.11.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge