

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

CRM-M-40919-2020 (O&M)

Date of Decision: 22.03.2021

Mukesh @ Miku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sushil Sheoran, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Radhey Sham.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.186 dated 20.06.2020 at Police Station Bhiwani Civil Lines, District Bhiwani, under Sections 302/34/120-B IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Karan Singh, wherein it has been alleged that his younger son Anuj aged 23 years was into business of spare parts of Bullet motorcycle along with his friend Amit. On 20.6.2020 when the complainant went to Bhiwani for purchasing some articles and at about 5.30 pm. when he reached near the shop of his son Anuj, then he heard sound of gunshot bullets in the shop of his son. He immediately rushed in front of his shop and saw that four young boys who were having their faces covered and were carrying weapons, were running away

towards Vidya Nagar Gali after firing blindly at his son. The complainant's son had been shot at on his mouth, arms, shoulder, ear, cheek, chest and abdomen. The complainant's son died on account of the said injuries.

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 an alleged disclosure statement made by one co-accused Ashish @ Bacchi, who himself was not named in the FIR and that in any case, even if the said disclosure statement is taken to be correct, still it is not the case of the prosecution that the petitioner had caused any injury or was present at the time of murder of the deceased Anuj and that the only role attributed to him is that he had conducted *recce* and had furnished information regarding the presence of the deceased at the spot on the basis of which his co-accused were able to commit his murder.
4. Opposing the petition, learned State counsel has submitted that although it is correct that no accused is named in the FIR, but it was on the basis of CCTV footage that one Manjit was identified and arrested and later another accused Ashish came to be arrested, who suffered disclosure statement nominating the petitioner and Rahul as the persons who had conducted *recce* at the spot and had furnished information regarding the location of the deceased. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 7 months and is not involved in any other case 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 is not alleged to have committed the murder of the deceased and the only role attributed to him is that he had furnished information regarding the presence of the deceased on the spot and while also noticing that the petitioner as on date has been behind bars since the last more than 7 months and trial is yet to commence, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.
7. 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.

22.03.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**