

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

230

CRM-M-2949-2022

Date of Decision: 29.03.2022

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod Ghai, Senior Advocate, with
Mr. Edward Augustine George, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Satpal.

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.91 dated 22.06.2021 at Police Station Bahin, District Palwal, under Sections 147/149/323/341/427/506 IPC.
2. The FIR was lodged at the instance of Avtar, wherein it is alleged that on 22.06.2021, he had come to Village Kondal from Rajasthan so as to visit his sister. On the said day at about 9.00 PM, when he alongwith his nephew Satyam reached near tubewell of Dataram after withdrawing money from Hathin ATM, then some persons, which included Saurav, Prince, Aditya, Sachin, Sumit, Manendra and Lalit, who were carrying sticks, iron rods and iron pipes, came on 3/4 motor-cycles and stopped the same in front of them. They inflicted a few injuries to the complainant. The said persons also gave multiple injuries to his nephew

Satyam with the help of sticks and iron rods on his hands, stomach, back and on his head. The said persons also videographed the incident and thereafter left the place while issuing threats that the complainant's nephew will not be spared next time. The complainant thereafter called Rajbir telephonically to the place of occurrence and they removed Satyam to hospital, but he ultimately succumbed to his injuries.

3. Learned senior counsel representing the petitioner has submitted that he is nowhere named in the FIR and initially came to be nominated on the basis of a disclosure statement made by co-accused Saurav on 30.06.2021 and that it was thereafter that even the complainant made a supplementary statement on 16.07.2021 nominating the petitioner also as an accused. Learned senior counsel has further submitted that the statement of a co-accused will not carry any evidentiary value and that even the supplementary statement of the complainant is in the nature of improvement since he has categorically named other accused, who had come on 3/4 motor-cycles.
4. Opposing the petition, learned State counsel has submitted that in the present case the disclosure statement made by co-accused Saurav stands corroborated from the supplementary statement made by the complainant on 16.07.2021 and that in fact the petitioner upon his arrest on 02.08.2021 had admitted having participated in the occurrence and having inflicted injuries with a stick to the deceased. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that while 7 persons, who are stated to have come to the place of occurrence on 3/4 motor-cycles, are specifically named in the FIR, the petitioner is not specifically named therein and that the petitioner came to be nominated subsequently on the basis of a disclosure statement made by co-accused and also a supplementary statement made pursuant thereto on 16.07.2021 i.e. after about 26 days of the occurrence by the complainant. The petitioner is also stated to have made a disclosure statement on 02.08.2021, wherein he admitted his involvement and stated that he had inflicted injuries with a stick. However, on the very next day, he made another statement wherein he did not state anything regarding having inflicted injuries with the help of a stick though he admitted his participation by stating that he had caught hold of deceased. It will be a matter of evidence as to whether the prosecution is effectively able to establish the involvement of the petitioner on the basis of the aforesaid disclosure statement or on the basis of the supplementary statement of the complainant, which may be said to be in the nature of improvement inasmuch as the petitioner was not initially named in the FIR.
7. Still further, this Court finds that though the police has collected CCTV footage of the place of occurrence, but the petitioner is not shown in the said CCTV footage while 3 other co-accused are shown in the said footage. The petitioner is not stated to be a previous convict and is not even stated to be involved in any other case. Conclusion of trial will consume time inasmuch as the trial has not even commenced till date and

as many as 27 PWs have been cited. In these circumstances, 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.

29.03.2022

Vimal

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