

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

CRM-M-6051-2022 (O&M)
Date of Decision:-31.3.2022

Aman ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Virat Rana, 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.280 dated 21.12.2019, Police Station Sector-6, Bahadurgarh, District Jhajjar under Sections 379-B, 394, 397 of Indian Penal Code and Section 25 of Arms Act, wherein offence under Section 201 IPC was added later on.
2. The FIR was lodged at the instance of Gaurav Sharma, wherein it is alleged that on 20.12.2019 at about 9-10 p.m. while he was present near Guriya Petrol Pump, Rohtak Road, Bahadurgarh in his Honda City car bearing registration No.DL-1CJ-7488, three young boys came on a black coloured motorcycle and intentionally hit against his car. One of the boys entered into his car while the other two forcibly took him out of the car. When the

complainant raised alarm, two of the boys opened fire on him and one shot hit on his right arm. It is further alleged that thereafter the said boys fled away from the spot alongwith complainant's car.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that although he is not named in the FIR but has been nominated subsequently when he came to be arrested in another case and wherein the police claims that the petitioner suffered a disclosure statement regarding his involvement in the present case. Learned counsel further submits that the falsity of the case would be evident from the fact that when the complainant stepped into the witness-box, he did not identify the petitioner to be the accused.
4. On the other hand, learned State counsel, while opposing the petition, has submitted that since the car in question was recovered from the petitioner, his complicity is clearly evident. It has further been informed that the petitioner happens to be involved in two other cases. Learned State counsel has informed that the petitioner has on date has been behind bars since the last more than 2 years and that as on date only 4 out of the cited 35 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated on the basis of his own disclosure statement when he came to be arrested in another case. The complainant, who has already been examined during the proceedings of trial, has not supported the case of prosecution at all and categorically stated that the petitioner is not the person, who had caused injuries or had snatched his car on the day of occurrence. Conclusion

of trial is likely to consume time inasmuch as only 4 out of the cited 35 PWs have been examined so far. In these circumstances, particularly the fact that the complainant has resiled, further further detention of the petitioner would not be justified. 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.

31.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No