

CRM-M-13540-2021

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

CRM-M-13540-2021 (O & M)

Date of decision: 04.04.2022

Sonu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-12628-2022

Allowed as prayed for. Annexures P-2 to P-12 are taken on
record, subject to all just exceptions.

CRM-M-13540-2021

Through this petition, the petitioner seeks regular bail in case
bearing FIR No.303 dated 02.06.2020, registered at Police Station Mujesar,
District Faridabad, under Sections 147, 149, 323, 325, 506, 186, 363, 307
and 120-B IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that during
pendency of the present petition, learned Addl. Sessions Judge, Faridabad,
granted regular bail to the petitioner on 24.03.2021, but later on, he
surrendered on 11.08.2021; that the petitioner was not named in the FIR;
that there was no fire-arm injury on the person of the complainant/injured;
that out of seven persons initially arraigned as accused in the FIR, four
persons were found innocent and thereafter, on the disclosure statement of

CRM-M-13540-2021

the co-accused, some more accused were arraigned and that ultimately, challan was presented against 11 accused.

Learned counsel for the petitioner further submits that the petitioner was indicted on the disclosure statement dated 22.06.2020, suffered by co-accused, David Naron, but no specific role has been attributed to the petitioner therein; that thereafter, the second disclosure statement of co-accused, David Naron was recorded on the same day i.e. 22.06.2020, to the effect that the petitioner alongwith Yogesh, Raman @ Ramni, Vicky and Harender were involved in the present case, but still, no specific role has been attributed to the petitioner therein.

Learned counsel for the petitioner draws the attention of this Court towards the statement of co-accused, Monti @ Rohit, recorded on 04.06.2020, wherein he stated that co-accused, Ajit, Sonu @ Ganja (petitioner), Akash @ Shaktiman had fired gun-shots at Ansar. However, there was no fire-arm injury on the person of Ansar. Moreover, co-accused, namely, Ajit stands released on regular bail by a Coordinate Bench of this Court, vide order dated 11.02.2021 (Annexure P-11), whereas co-accused, namely, Akash on regular bail by learned Addl. Sessions Judge, Faridabad, vide order dated 01.03.2021 (Annexure P-6). On this premise, learned counsel for the petitioner prays that the petitioner be released on regular bail.

On the other hand, learned State counsel, while opposing the aforesaid submissions made by the learned counsel for the petitioner, submits that the petitioner had actively participated in the commission of the offence and that out of 10 others FIRs registered/pending against the petitioner, he stands acquitted in one FIR whereas stands convicted for the

CRM-M-13540-2021

sentence already undergone in four FIRs and stands released on bail in remaining cases.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. He has been indicted on the disclosure statement of co-accused, David Naron. In two disclosure statements of the aforesaid co-accused, recorded on 22.06.2020, no specific role has been attributed to the petitioner. Moreover, as per the disclosure statement of co-accused, Monti @ Rohit, recorded on 04.06.2020, Ajit, Sonu @ Ganja (petitioner) and Akash @ Shaktiman had fired gun-shots at complainant-Ansar Ali, but even there was no fire-arm injury on the person of the complainant. Moreover, as stated above, co-accused, namely, Ajit and Akash stand released on regular bail by the Coordinate Bench and learned Addl. Sessions Judge, Faridabad, respectively.

The petitioner has been in custody for more than 01 year and 03 months. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

04.04.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No