

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13462-2022 (O & M)

Date of decision: 05.04.2022

Ravinder @ Susa

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashwani Bakshi, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail to the petitioner under Section 439 Cr.P.C. in a case bearing FIR No.0499 dated 10.09.2021 under Sections 302 IPC read with Section 25 of the Arms Act, 1959 registered with Police Station Sampla, District Rohtak.

The allegations in the FIR are that one Raj Singh @ Raju son of Jai Singh is said to have shot at and killed the deceased-Chameli. As per the complainant's account, his nephew Raj Singh @ Raju had killed his grandmother-Chameli by firing a bullet on her head due to a dispute over partition of an ancestral property. The petitioner is not named in the said FIR.

The learned counsel for the petitioner submits that the petitioner has been implicated on the basis of alleged disclosure statement of Raj Singh @ Raju dated 05.10.2021 wherein he states that he has purchased the pistol used in the offence from the petitioner three years prior to the occurrence.

He contends that an earlier disclosure statement (Annexure P-2 dated

04.10.2021) would, however, not reveal the name of the petitioner, and thus, the petitioner has been falsely implicated by virtue of the second disclosure statement. He submits that other than the said disclosure statement, which is inadmissible in evidence, there is absolutely no evidence to suggest that the petitioner was involved in the alleged offence and could be liable only under Section 29 of the Arms Act. He further contends that the petitioner is in custody since 03.12.2021 and the investigation already stands concluded. His further incarceration is not required, more particularly, as there are no allegations levelled against him with respect to the commission of the offence of murder.

The learned State counsel, on the other hand, contends that there are specific allegations against the petitioner that he sold the pistol to the co-accused, namely, Raj Singh @ Raju. He further submits that the petitioner is a convict in FIR No.104 of 2016 under Section 307 IPC and that the possibility of the petitioner hampering the trial, absconding or repeating the offence cannot be ruled out.

I have heard the learned counsel for both the parties.

Admittedly, the petitioner is not named in the FIR and the alleged assailant is Raj Singh @ Raju alone. In the first disclosure statement dated 04.10.2021, there is no reference to the petitioner as having supplied the weapon in question. In the second disclosure statement dated 05.10.2021, this allegation has come up for the first time that the petitioner was the supplier of the weapon three years prior to the occurrence. Thus, it would be a moot point during trial as to whether the alleged supply of the weapon three years ago would bring the accused within the ambit of Section

120-B IPC or he would be only liable under the Arms Act. Since the petitioner is in custody since 03.12.2021 and the trial is not likely to be concluded in the near future, no useful purpose would be served by keeping the petitioner incarcerated.

Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate Rohtak.

April 05, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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