

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

(I) CRM-M-14394-2022 (O&M)

Gaurav ... Petitioner

Versus

State of Haryana ... Respondent

(II) CRM-M-12826-2022 (O&M)

Om Parkash ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-8.4.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lakhwinder Singh, Advocate,
for the petitioner in CRM-M-14394-2022.

Mr. Sandeep Siwach, Advocate,
for the petitioner in CRM-M-12826-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Mahinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Gaurav and Om Parkash seeking grant of regular bail in respect of

a case registered against them vide FIR No.199 dated 29.8.2021, Police Station Sadar Ratia, District Fatehabad under Sections 395, 342, 120-B, 420, 201, 34 of Indian Penal Code, wherein offences under Section 392 IPC and under Sections 25 of Arms Act were deleted and offence under Section 61 of Excise Act was added later on.

2. The FIR was lodged at the instance of Lovepreet Singh, wherein it is alleged that he runs liquor vend in Village Khai and that on 28.8.2021 at about 09:38 p.m. he received information that some persons by pointing pistol at his salesman had committed robbery. When the complainant went to the liquor vend, he found that the liquor vend was locked and that hands of his salesman, who was inside the liquor vend, had been tied. Upon checking, it was found that 32 boxes of country made liquor, 1 box of bear, mobile phone of the salesman were missing. It is further the case of prosecution that during investigation, on 15.9.2021, Section 34 of Indian Penal Code was deleted. On 4.10.2021 complainant got recorded his supplementary statement wherein he disclosed the names of Om Parkash and Rinku and co-accused Sunny Singh and Gaurav Kumar. On 5.10.2021, co-accused Sunny Singh was arrested in this case and on interrogation, he suffered his disclosure statement admitting his involvement in this case. Offence under Section 120-B of IPC was added in the present case. On 6.10.2021, accused Om Parkash @ Parkash was arrested in this case and upon interrogation, he suffered a disclosure statement admitting his involvement in this case. On 19.10.2021, co-accused Riku Kumar was arrested in this case and upon search, pistol was recovered from him and upon interrogation, he also suffered a disclosure statement admitting his guilt. During remand, accused Rinku got recovered

16 boxes of bottles of country made liquor. Offence under Section 61 of Excise Act was added in the present case. During further investigation, offence under Section 420 of Indian Penal Code was added.

3. Learned counsel for the petitioners have submitted that the petitioners are not named in the FIR and are sought to be nominated on the basis of supplementary statement and that the said supplementary statement is apparently an improvement and would not carry any evidentiary value.
4. On the other hand, learned State counsel has submitted that since both the petitioners are specifically named in the supplementary statement, no case for grant of bail is made out. Learned State counsel further submitted that while nothing has been recovered from petitioner Om Parkash, but a car was recovered pursuant to the disclosure statement made by petitioner Gaurav, and as such their complicity is clearly evident. Learned State counsel has, however, informed that while petitioner Om Parkash has been behind bars since the last about 6 months, the petitioner Gaurav has been behind bars since the last about 5 months and that each of them is involved in one more case under Excise Act.
5. Having regard to the facts and circumstances of the case and without commenting anything as regards merits of the case, both the petitions are accepted and the petitioners, who have been behind bars for a substantial period of about more than 5 months, are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, as the conclusion of trial is likely to consume time.

6. A copy of this order be place on the file of connected case.

8.4.2022
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No