

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15022 of 2022(O&M)
Date of Decision:- 31.05.2022

Tushar @ Tejsavi

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

CRM No.20816 of 2022

Allowed. Annexure P-2 is taken on record, subject to all
just exceptions.

CRM-M-15022 of 2022

Prayer is for grant of regular bail in case having FIR
No.0044 dated 31.01.2022 registered under Sections 148, 149, 216,
341, 307 and 120-B IPC and Section 25 and 29 of Arms Act,
(Sections and 216 and 120-B of IPC and Section 29 of Arms Act

added later on), Police Station Model Town, Rewari, District Rewari, Haryana.

The counsel for the petitioner contends that the petitioner was falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Hansraj. The counsel further contends that no incriminating article or weapon was recovered from the possession of the petitioner except for one vehicle which is alleged to be used in the commission of crime. The counsel further contends that co-accused Hansraj has already been granted bail by the Court below vide order dated 05.02.2022, Annexure P-2. The counsel further contends that another accused Chirag has also been granted regular bail by the Court of Sessions Judge, Rewari vide order dated 21.02.2022. The counsel further contends that the petitioner is in custody since 02.02.2022 and investigation has been completed and as such, no purpose is going to be served by keeping the petitioner in custody.

The State counsel has opposed the present petition but at the same time admitted the fact that petitioner was not named in the FIR and was nominated as an accused on the basis of disclosure statement of co-accused Hansraj. The State counsel has also not refuted the fact that no fire arm was recovered from the possession of petitioner and that investigation has been completed in this case.

As per the allegations appearing in the FIR complainant Harish @ Himanshu was travelling in a car along with his friends

Deepak and Ishan on 31.01.2022 and on the way the said car was intercepted by Dhiren, Sumeet Rathee, Hansu @ Hansraj, Umesh, Tilu Gujjar and Varun Poswal and they fired shots at the complainant and then all of them fled away from there.

The petitioner who was not named in the FIR was arrayed as an accused on the basis of alleged disclosure statement of co-accused Hansraj who has already been granted bail, as is evident from Annexure P-2. As per the allegations in the FIR no injury has been attributed to the petitioner who was arrested on 02.02.2022 and no incriminating article was recovered from his possession except for one vehicle. Admittedly, investigation in this case has been completed by the police but it will take time for conclusion of trial, which is yet to commence. In these circumstances no fruitful purpose would be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

31.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No