

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

CRM-M-14983-2022 (O&M)
Date of Decision:- 28.4.2022

Sunny ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.D.Bishnoi, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him 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 beer, 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 petitioner has submitted that the petitioner is not named in the FIR and is 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 the petitioner is specifically named in the supplementary statement, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 6 ½ months. It has further been informed that the petitioner is involved in three other cases out of which two cases were registered under the Excise Act and one is registered under Sections 323 and 325 of IPC. Learned counsel has also informed that the charges are yet to be framed and as many as 31 PWs have been cited.
5. Having regard to the facts and circumstances of the case and without commenting anything as regards merits of the case, but while noticing the custody of the petitioner, who has been behind bars since the last about 6 ½ months and that trial is yet to commence, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.4.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No