

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

CRM-M-28424-2021 (O&M)
Date of Decision:-11.5.2022

Monu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Dayanand.

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.583 dated 16.8.2020, Police Station Sadar Hisar, under Sections 147, 149, 302, 323, 325 and 341 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Satbir, wherein he stated that on 16.8.2020, when he alongwith his brother Jagdish, uncle Ram Singh and nephew Dinesh were going for a morning walk towards their fields as usual, then a car overtook them and stopped near another car parked near the T-point; 9-10 persons armed with rods and sticks alighted from the said vehicles. Atma Ram, who was carrying a rod, raised a '*lalkara*' exhorting his

companions to attack the complainant and others. Upon which, Sunil Panghal, Naveen, Kuldeep, Atma Ram himself and others attacked complainant's brother Jagdish and inflicted injuries to him. When the complainant tried to rescue his brother Jagdish, he was also caused injuries.

3. Learned counsel for the petitioner submitted that although as many as 4 persons are named in the FIR, the petitioner is nowhere specifically named. It has further been submitted that even though the complainant made a supplementary statement on the very next day naming two more persons, but the name of petitioner was not even there in the said supplementary statement and later he came to be nominated as an accused on the basis of a disclosure statement made by Bintu and Sumit @ Mantri, who had been named in the supplementary statement. Learned counsel for the petitioner submits that such like statement would not carry any evidentiary value particularly when there is no other substantial evidence to connect him with the alleged occurrence.
4. On the other hand, learned State counsel submits that since the petitioner has been specifically named by the person, who was named by the complainant and that after his arrest, he also got iron rod recovered with the help of which injuries had been caused, no case for grant of bail is made out. It has further been informed that the petitioner happens to be involved in one more case registered for offence under Section 302 IPC. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 8 months and that none out of the cited 21 PWs has been examined.
5. I have considered rival submissions addressed before this Court.

6. It is not in dispute that the petitioner is not named in the FIR or in the supplementary statement and came to be nominated on the basis of a disclosure statement made by co-accused. The evidentiary value of such like statement would be debatable. Though the petitioner is stated to be involved in one more case, but learned counsel for the petitioner has today clarified that in the said case also i.e. in FIR No.379 dated 6.8.2020, Police Station Tosham, Bhiwani, under Sections 148, 149, 302, 449, 450, 120-B, 201 of Indian Penal Code and Section 25 of Arms Act, he was nominated on the basis of a disclosure statement made by co-accused.
7. The petitioner has been behind bars for a substantial period of about 1 year and 8 months. Conclusion of trial is likely to consume time inasmuch as none out of the cited 21 PWs has been examined so far. In these circumstances, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.5.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No