

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

(I) **CRM-M-23658-2020 (O&M)**
Date of Decision:- 08.7.2022

Naveen Kumar ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-23859-2022 (O&M)**

Kuldeep Singh @ Bawa ... Petitioner

Versus

State of Haryana ... Respondent

(III) **CRM-M-25604-2022 (O&M)**

Mohit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Khatri, Advocate, for the petitioner
in CRM-M-23658-2020.

Mr. Sandeep Singh Jattan, Advocate, for the petitioner
in CRM-M-23859-2022.

Mr. Rajnish Kumar Dhanda, Advocate, for the petitioner
in CRM-M-25604-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Singh Raj.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Naveen Kumar, Kuldeep Singh @ Bawa and Mohit, seek grant of regular bail in a case registered vide FIR No.13 dated 30.1.2019, Police Station Sector 20, Panchkula, District Panchkula under Sections 216, 302, 394, 395, 396, 397, 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Vinod Kumar, wherein it is alleged that on 30.1.2019 at about 5-5:30 p.m., he was playing cards alongwith another of his 10-12 friends in his showroom. It is alleged that 8-10 youngsters came inside the showroom, who were all carrying pistols. After entering the showroom, 2-3 of them opened fire at them. They scared them by brandishing their pistols and told them to hand over whatever cash or gold they had. Upon resistance by 2-3 of complainant's companions, they were given beatings by the accused with the help of helmet. 2-3 of the said accused also fired shots at them. The accused took away all the cash, their mobile phones and gold ornaments and fled away while firing upon them. It is alleged that one of the gunshots hit Sunny, who ultimately succumbed to his injuries.
3. Learned counsel for the petitioners have submitted that none of them is named in the FIR nor were they identified at any stage and have been nominated on the basis of statements made by other co-accused. It has further been submitted that although 29 PWs have been examined by the prosecution out of the cited 73 PWs and which

include material eye-witnesses, but none of the petitioners was identified by any of the said eye-witnesses. It has further been submitted that since an identically situated co-accused Rohit Kumar has already been granted bail by this Court vide order dated 28.3.2022 (Annexure P-6), the petitioners also deserve the same concession on the ground of parity.

4. On the other hand, learned State counsel while opposing the petitions has submitted that there is sufficient evidence against the petitioners to connect them with the alleged occurrence apart from the disclosure statements. It has been submitted that when the petitioners were arrested recoveries of cash and some ornaments was effected, which would indicate their complicity. It has further been submitted that during the course of investigation the police also collected call-details of the accused which indicates that all the three petitioners were in regular touch with each other as well as other accused. Learned State counsel has informed that while petitioner-Naveen Kumar and Kuldeep Singh have been behind bars for the last about 3 years, petitioner-Mohit has been behind bars for the last about 1 year and 10 months. It has also been informed that none of the petitioners is involved in any other case. Learned State counsel has not disputed the fact that the eye-witnesses who have already been examined by the prosecution have not identified the petitioners to be amongst the accused.
5. I have considered rival submissions addressed before this Court.

6. It is not in dispute that all the petitioners have been nominated on the basis of disclosure statements of co-accused. Still further, even as per the said disclosure statements none of the petitioners is alleged to have been present at the spot and are being nominated as accused on the allegation that they had conspired with the remaining accused who were present at the spot, either by conducting *recce* of the place of occurrence or by supplying arms to them. The prosecution has already examined as many as 29 PWs but none of the PWs has identified the petitioners to be amongst the accused who had participated in the occurrence at the spot. All the three petitioners otherwise have a clean record and are not stated to be involved in any other case. The petitioners have been behind bars for a substantial period ranging from i.e. 1 year 10 months to 3 years. Conclusion of trial is likely to take time inasmuch as 75 PWs have been cited. In these circumstances, further detention of petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of each connected case.

08.7.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No