

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

220

CRM-M-34528-2022 (O&M)

Date of Decision: 15.12.2022

Vishnu @ Ghochu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjeev Majra, Mr. S.S.Gill & Mr. Pranshul Dhull,
Advocates, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Rakesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.119 dated 25.02.2022 at Police Station Pataudi, District Gurugram, under Sections 148/149/302/120-B IPC and Section 25(1-b), (a) of the Arms Act (Section 201 IPC added later on).
2. The FIR in question was lodged at the instance of Ajit, wherein it is alleged that he as well as his brothers were into business of running school and liquor vends. It is alleged that on 25.02.2022, when his brother Paramjit Singh was sitting outside the house of Dharambir Lamberdar near Panchayat Ghar, then Ajit, Rohit, Sandeep Goriyawas, Dinesh son of Dharambir, Dinesh @ Ganga Ram, Dharmender Sarpanch accompanied by 4-5 other boys came there on a motorcycle and Scorpio

vehicle and who were carrying pistols and fired at complainant's brother Paramjit and also at Surjit, both of whom succumbed to their injuries.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated subsequently on the basis of some secret information alleged to have been received by the police to the effect that the motor-cycle of the petitioner had been used by the accused at the time of occurrence.
4. Opposing the petition, learned State counsel has submitted that apart from the secret information received against the petitioner regarding use of his motor-cycle, 3 other co-accused, namely, Rohit, Dinesh and Sandeep in their disclosure statements had also disclosed that the petitioner had given his motor-cycle to the accused, which had been used by co-accused at the time of commission of offence. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 7 months & 20 days and that he is not involved in any other case. It has also been informed that although charges have been framed, but none out of cited 44 PWs has been examined till date.
5. This Court has considered rival submissions.
6. It is not in dispute that the petitioner is not named in the FIR. He came to be nominated on the basis of some secret information received by the police and also on the basis of disclosure statements made by co-accused. However, even if the aforesaid evidence is accepted to be correct, the same is only as regards handing over his motor-cycle to the co-accused.

The petitioner otherwise is not alleged to be amongst the assailants. The petitioner has been behind bars for a substantial period of more than 7 months and none out of cited 44 PWs has been examined so far. As such, conclusion of trial is likely to consume substantial period and consequently, further detention 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.

15.12.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**