

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

CRM-M-50625-2022 (O&M)

Date of Decision:-22.11.2022

Raman @ Pipra

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Joginder Siwach, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.42 dated 16.07.2020 at Police Station GRP Hisar, District Hisar, under Sections 147/148/149/307 IPC and Section 25 of Arms Act, wherein offences under Sections 302 and 326 IPC were added later on.
2. The FIR was lodged at the instance of Neeraj, wherein it is alleged that on 16.7.2020 at about 12.30 a.m. (early morning), when he along with his brother Dharminder was returning back home after having attended a party, they saw that Kamal, Gaurav, Raman son of Sukha, Arjun, Jambo and 2-3 other persons who were armed with sharp edged weapons like sword, *gandasi* and knife were inflicting injuries to Shamsher and Pawan. When the complainant and his brother intervened, the said persons attacked them as well. The complainant managed to escape. Shortly thereafter the accused also

ran away from the spot. Thereafter, when he returned back to the spot, some other persons had also gathered and he with the help of the said persons got admitted Shamsher, Pawan and Dharminder in CMC Hospital, Hisar.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of statements of Shamsher and Pawan, both injured, recorded in terms of Section 161 Cr.P.C. Learned counsel has further submitted that, in any case, even on the basis of said statements, the petitioner is not stated to have gone to the place of occurrence armed with any weapon and is alleged to have thrown brick bats and stones.
4. Learned counsel for the petitioner submits that three other identically situated co-accused namely Rajbir, Sunny and Vivek @ Kala have been granted bail by this Court vide orders dated 13.09.2021 and 12.11.2021 (Annexures P-2, P-3 and P-4 respectively) and in these circumstances, the petitioner, who has been behind bars since the last about 2 years and 4 months also deserves the concession of bail on the grounds of parity.
5. Learned counsel has further submitted that although the police claims that co-accused Sunny and Rajbir have also disclosed that the petitioner was accompanying them, but such like disclosure statements would not carry any evidentiary value. Learned counsel submits that the person named in the FIR as Raman son of Sukha, is not the petitioner as the petitioner is having a different parentage as Raman @ Pipra son of Satish.
6. Opposing the petition, learned State counsel has submitted that since both the injured as well as co-accused had specifically nominated the petitioner as accused, no case for grant of bail is made out. Learned State counsel has

however, informed that the petitioner is behind bars for the last about 2 years and 4 months and that he is not involved in any other case.

7. This Court has considered the rival submissions.
8. It is not in dispute that the petitioner is nowhere named in the FIR. He had been nominated on the basis of statements of witnesses Pawan and Shamsher and also on the basis of disclosure statements of the co-accused, the admissibility of which would be debatable. Even as per the said disclosure statements, the petitioner is unarmed although general allegations have been levelled against him that he had also given beatings. The petitioner has been behind bars for a substantial period of about 2 years and 4 months and is stated to have a clean record. Identically situated co-accused have already been granted bail by this Court vide orders dated 13.09.2021 and 12.11.2021 (Annexures P-2, P-3 and P-4 respectively). In these circumstances, further detention of the petitioner will not serve any useful purpose as till date not even a single PW out of the cited 24 PWs has been examined.
9. 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.

22.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No