

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

224+108

**CRM-M-1271-2022 (O&M)  
Date of Decision: 17.03.2022**

Naresh @ Ishu

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Manoj Kumar Palwal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

**GURVINDER SINGH GILL, J. (Oral)**  
**CRM-8891-2022**

For the reasons mentioned in the application, the same is allowed and the deposition of the complainant is taken on record as Annexure P-4, subject to all just exceptions.

**CRM-M-1271-2022**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.240 dated 05.06.2020 at Police Station Kharkhoda, District Sonapat, under Sections 148/149/202/302/420/468/471/120-B/34 IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Indu wife of Sanjay (deceased). It is alleged that the complainant's husband namely Sanjay was running a grocery shop at village bus stand. On 5.6.2020 at about 6 p.m. when she was going towards her husband's shop in connection with some personal work and was

about 20-30 meters short of the shop, she saw a boy on a motorcycle accompanied by another 3 boys on scooty and that one of the said three boys on scooty was Romil, who was carrying a pistol in his hand. It is alleged that even his companions were also carrying pistols. Romil is stated to have fired a shot from the pistol hitting the complainant's husband on his chest. Another boy fired at the temple of complainant's husband. When the complainant rushed forward to rescue her husband, then Romil threatened her to keep away otherwise she would also be killed. The complainant alleged that Romil and his companions had killed her husband because of old enmity.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused on the basis of a supplementary statement made by the complainant on 08.06.2020 and that apparently the said supplementary statement is an improvement so as to implicate more persons. Learned counsel has further submitted that in any case when the complainant was examined during the course of proceedings of trial, she has not identified the petitioner to be an accused.
4. Opposing the petition, learned State counsel has submitted that in view of the specific supplementary statement of the complainant, the petitioner's complicity is clearly evident and that it appears that the petitioner had been able to win over or intimidate the complainant. Learned State counsel has informed that the petitioner stands involved in 3 more cases, which pertain to

offences under Sections 307, 395 IPC and Section 25 of the Arms Act and that as such, being a seasoned criminal, he is disentitled for grant of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1½ years and that as on date 10 PWs out of cited 44 PWs have been examined

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was not initially named in the FIR and came to be nominated subsequently in the supplementary statement made by the complainant on 08.06.2020. In any case, when the complainant stepped into the witness-box during the proceedings of trial, she did not identify the petitioner to be an accused. The petitioner, otherwise, has been behind bars for a substantial period of 1 ½ years. Conclusion of trial will consume time inasmuch as only 10 PWs out of cited 44 PWs have been examined so far.
7. In view aforestated position particularly the fact that the complainant has not supported the case of the prosecution, further detention of the petitioner will not serve any useful purpose. 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.

**17.03.2022**

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**(GURVINDER SINGH GILL)****JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**