

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-3362-2023

Date of Decision: 31.5.2023

Sanjeev @ Goliya

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.77 dated 31.5.2021 registered for the offences punishable under Sections 307, 34 IPC and Section 25 of Arms Act (Sections 302, 201, 120B IPC and Section 27 of Arms Act added later on) at Police Station Sadar Rewari, District Rewari.

2. The allegations in nutshell are that complainant-Inder Singh reported to the police that on 30.5.2021, in the evening, he was present in his house and his friend Satish son of Satyam informed him on phone that Parveen @ Kancha and his companions had fired shots at him and then the complainant reached the disclosed place where Satish was found lying and immediately, he was taken to the hospital as the bullet had hit in his back and he was bleeding. Later on, Satish died due to the said firearm injury.

During investigation, the present petitioner was arrested.

3. Counsel for the petitioner *inter alia* submits that only co-accused Parveen @ Kancha was named in the FIR and the petitioner was named as accused on the basis of the alleged disclosure statement made by said Parveen @ Kancha to the effect that the petitioner supplied him country made pistol used in the commission of the crime. It is further submitted that the said disclosure statement is subject matter of trial and that the petitioner is in custody for the last more than 1 year and 11 months and during investigation, no incriminating article was recovered from possession of the petitioner and that the trial is going at very slow pace. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is contested by the State counsel who on instructions from ASI Parminder Kumar submits that the petitioner actively participated in the present case and his name surfaced in the disclosure statement made by main accused Parveen @ Kancha. State counsel further submits that firearm used by said Parveen @ Kancha was provided to him by the present petitioner. However, the State counsel has not disputed the fact that the petitioner was named as accused on the basis of the disclosure statement suffered by Parveen @ Kancha to the effect that the weapon used in the commission of the crime was delivered to him by the present petitioner. State counsel has also not disputed the custody period of the petitioner and the fact that till date, only 3 witnesses are examined out of total 35 witnesses on behalf of the State.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and his name figured in the disclosure statement made by co-accused Parveen @

Kancha who was named in the FIR. The allegations against the petitioner as per State counsel are that he provided country made pistol which was used by Parveen @ Kancha to kill Satish. During investigation, the petitioner was arrested but no incriminating article was recovered from his possession and his custody period comes out to be almost 2 years. It is evident that it will take considerable time for the trial to conclude as till date, only 3 prosecution witnesses have been examined. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 31, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No