

Pronounced on: 06.11.2023

... Respondent

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FIR No.	Dated	Sections	Police Station
272	09.05.2022	148, 149, 506 IPC (25 of Arms Act and 307 IPC added and 285 deleted later on).	Tehsil Camp Panipat, District Panipat

Gyan Chand
2023.11.09 15:07
I attest to the accuracy and
integrity of this document

@ Golu, Yogesh @ Kali, Dheeraj, Amit Kundu and other persons were standing on the back side of the roof and suddenly Amit Kundu opened fire with pistol towards the complainant and Pardeep also attempted to fire but failed to do so. The remaining accused started throwing bricks and stones towards complainant and other family members and threatened to kill them and hence the FIR was registered.

3. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner was not nominated in the FIR. He has been nominated only on the basis of disclosure statement of co-accused. He further submits that disclosure statement made before the police had no evidentiary value, unless and until the same is corroborated by any subsequent substantive evidence. He submits that it is a case of no injury and present petitioner has no motive to have participated in any manner in the present occurrence and the allegations of the firing has been attributed to other co-accused persons. He submits that no overtact has been attributed to the or any specific role has been attributed to the petitioner and petitioner was arrested on 01.06.2022, since then he is behind bars. After completion of investigation, challan has already been presented in Court and trial would take sufficient long time and no useful purpose would be served by keeping the petitioner behind the bars for indefinite period and as such he prays for concession of bail to the petitioner.

4. *Per contra* learned State counsel on the other hand opposed the bail application by submitting that the petitioner was arrested on 01.06.2023 and weapon used in the commission of the crime was recovered by the

police from the petitioner in another FIR No. 289 dated 18.05.2022 registered under Section 25 of the Arms Act. He further submits that out of 19 witnesses only one witness has been examined. He further submits that the petitioner is also involved in two other cases.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested on 01.06.2023 on the disclosure statement made by the co-accused. It is admitted that it is no injury case, recovery of the weapon used in the commission of the crime has already been made and the pistol shot has been fired by Amit Kundu co-accused. Petitioner is in custody since 01.06.2022 and after conclusion of the investigation, challan has been presented and only one witness has been examined till date, and the trial would take sufficient long time no purpose would be served by detaining the petitioner in custody any longer.

6. Resultantly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.11.2023

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No