

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40003 of 2023
Date of decision: 22nd August, 2023

Ramjeet @ Dhillra

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.L. Saini, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.393 dated 10.07.2022 under Sections 34, 379-B IPC and Section 25 of the Arms Act, 1959 (Sections 392, 397 IPC and Section 27 of Arms Act added later on) registered at Police Station Gohana Sadar, District Sonipat.

2. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon him which is evident from the fact that the FIR in question was lodged against unknown persons wherein the complainant had alleged that on 10.07.2022 at about 8.45 p.m., two boys, with their faces muffled, had come to his liquor vend while he was counting cash, and after threatening him at gunpoint, decamped with ₹ 8,000/- on their motorcycle. Learned counsel submits that the accused was not named in the FIR nor any

suspicion raised qua his involvement in the occurrence in question, however, strangely after seven months, on 04.02.2023 the complainant made a supplementary statement wherein he stated that the petitioner had approached him for a compromise and it was then that he learnt that the crime had been committed by him. Learned counsel submits that on the face of it, the entire version brought forth by the complainant comes across as being totally bogus, because in the absence of any description of the assailants given in the FIR or even any suspicion raised qua the involvement of the petitioner in the alleged crime, there could have been no occasion for the petitioner to go to the complainant for effecting a compromise. Learned counsel further submits that since investigation is complete and charges have also been framed, further incarceration of the petitioner in the case in hand, would serve no useful purpose. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the FIR was registered against unknown persons, wherein no description of the alleged assailants had been given. She has however, reiterated the prosecution version that after seven months, on 04.02.2023 a supplementary statement had been recorded by the complainant, wherein he had specifically levelled allegations against the petitioner and the co-accused of having committed the crime in question. She, on instructions, has further

apprised the Court that though as many as 17 prosecution witnesses have been cited, however, none of them have been examined so far and the next date of hearing fixed before the trial Court is 10.10.2023, when the prosecution evidence is likely to commence.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. A perusal of the FIR in question reveals that it was registered against unknown persons and there was no suspicion raised by the complainant qua the involvement of the petitioner in the occurrence in question. It was seven months later, the petitioner came to be nominated as an accused on the basis of a supplementary statement recorded by the complainant. The trial is unlikely to conclude in the near future, as prosecution evidence has not yet commenced. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 22, 2023
rps

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