

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.56131 of 2023
Date of decision: 7th December, 2023

Gopal Sharma @ Pintu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Gurmeet Kaur, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

Mr. Ajay Kripal Singh, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.595 dated 06.10.2022 under Sections 148, 149, 323, 452, 302, 506, 216 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Tehsil Camp Panipat, District Panipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 13.05.2023, has been falsely implicated in the case in hand as he was not named by the complainant and came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Praveen alias Baru, who stated that the petitioner was also accompanying him and the other accused at the time of the occurrence in question. It has been further submitted that even otherwise, in the disclosure statement so made by the

co-accused Praveen alias Baru, no specific injury or role had been attributed to the petitioner. Learned counsel has, thus, prayed for extending the concession of bail to the petitioner as the investigation in the case in hand is complete and even charges stand framed, however, none of the 40 witnesses cited by the prosecution have been examined so far, hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Dharampal, has not been able to controvert that the petitioner was not named in the FIR in question and came to be nominated as an accused only in the disclosure statement allegedly suffered by the prime accused Praveen alias Baru. Learned State counsel has also not disputed that the petitioner is not involved in any other criminal case. Furthermore, it has also not been disputed by the learned State counsel that the case of the petitioner is at par with that of his co-accused Ram Singh, who has since been extended the concession of bail by this Court.

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

5. As not disputed by the learned State counsel, neither any fatal injury nor any other injury has been attributed to the petitioner in the occurrence in question. The only role, even as per the disclosure statement allegedly suffered by co-accused Praveen @ Baru, attributed to the petitioner is that he was accompanying him and the other accused when they went to the house of the deceased. 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

December 7, 2023

rps

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