



CRM-M-20544-2024 and other connected matters
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:- 22.07.2024

(1)

CRM-M-20544-2024

Mohit Sharma @Pradhan

...Petitioner

Vs.

State of Haryana

...Respondent

(2)

CRM-M-16254-2024 (O&M)

Arjun

...Petitioner

Vs.

State of Haryana

...Respondent

(3)

CRM-M-21000-2024 (O&M)

Akshay Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner(s) in CRM-M-16254-2024 and
in CRM-M-21000-2024.

Mr. Sahil Choudhary, Advocate
for the petitioner in CRM-M-20544-2024.

Ms. Aditi Girdhar, AAG, Haryana.

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AMARJOT BHATTI, J.

1. The petitioners – Mohit Sharma @Pradhan, Arjun and Akshay Sharma have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 948 dated 07.11.2022, under Sections 302, 307, 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Samalkha, District Panipat, Haryana. These petitions have arisen out of same FIR, therefore, all the petitions are taken up together for disposal.

2. Brief facts of case are that on the day of occurrence i.e. 07.11.2022 at about 09:30/10:00 AM, complainant Ankit along with his uncle Lalit and cousin Bunty were sowing wheat in their fields towards Haryana border near Yamuna river. Bunty was driving Tractor and he (complainant) was collecting empty sacks of DAO manure and Palli was present where they had sown wheat. His uncle Lalit was taking bath in Yamuna river. Complainant heard noise of fire shots and also heard shrieks of his uncle Lalit. He ran towards his uncle who received bullet injury and was lying on the ground smeared in blood. He noticed three unknown persons running towards U.P. who were armed with pistol like weapons. The complainant and Bunty called Rahul and all of them took injured Lalit to hospital who succumbed to injuries on the way. With these allegations present FIR was registered.

As per prosecution case, in FIR No. 262 dated 12.11.2022 under Section 25 of Arms Act, Police Station Crime Branch, Delhi, accused Arjun @ Arjun Pandit, Akshay Sharma and Ravi Shankar were arrested

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and in their disclosure statements narrated about this occurrence. As per their version, they attacked Lalit at the instance of Mohit Sharma @Pradhan, regarding land dispute with complainant party.

3. Learned counsel for petitioner(s) argued that they were falsely implicated in this case. Nobody identified them. They were arrested in another FIR under Arms Act by Police Station Crime Branch, Delhi and subsequently named in present FIR. It is pointed out that since the day of their arrest, they are behind the bars. All material prosecution witnesses have not supported the prosecution case nor they have identified accused facing trial in this case. Report of Forensic Science Laboratory (FSL) is also not supporting their version. Other co-accused namely Ravi Shankar has been granted bail in CRM-M No. 49243 of 2023. They are ready to abide by terms of bail order. It was prayed that their regular bail petitions may be allowed.

4. Learned counsel representing State opposed the bail petitions on the ground that there are serious allegations against all the petitioners. There is report of FSL to connect accused with the said crime. All accused are charge-sheeted under Sections 302, 307, 34 of IPC and Section 25 of Arms Act. Considering the gravity of offence, petitioners are not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Status report is filed in CRM-M No. 20544 of 2024, titled “Mohit Sharma @Pradhan Versus State of Haryana”. In respect of other bail petitions, status report is not filed by learned counsel representing the State.

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Therefore, status report already filed, will be read regarding the other two bail petitions referred above. Similar documents are relied upon in all regular bail petitions filed by aforesaid petitioners. For the sake of convenience, documents annexed in aforesaid CRM-M No. 20544 of 2024 will be referred.

As per status report, admittedly, accused were named on the basis of disclosure statements of Arjun @Arjun Pandit, Akshay Sharma and Ravi Shankar recorded in FIR No. 262 dated 12.11.2022 under Section 25 of Arms Act, Police Station Crime Branch, Delhi. Said disclosure statements are Annexures P-2 to P-4 respectively. At present challan has been presented regarding Mohit Sharma @Pradhan, Arjun @Arjun Pandit, Akshay Sharma and Ravi Shankar Sharma on 03.04.2023. Supplementary challan was presented regarding FSL report, Madhuban, Annexure R-5. Charge-sheet is already framed and prosecution has examined six witnesses out of 29 witnesses. Learned counsel for petitioner(s) have placed on record statements of Ankit PW-1, Bunti PW-2, Rampal PW-3, Rahul PW-4, Neeraj PW-5 and Sachin PW-6 as Annexures P-6 to P-11 respectively. All the witnesses admitted about the occurrence but were declared hostile so far as identification of accused was concerned. It is matter of record that Ravi Shankar, one of co-accused has been granted bail in CRM-M No. 49243 of 2023, which is Annexure P-12. So far as evidence on record and report of FSL are concerned, same will be considered at the time of final adjudication of trial by Court concerned.



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6. In view of aforesaid factual position, regular bail petitions bearing CRM-M Nos. 20544, 16254 and 21000 of 2024 filed by petitioners Mohit Sharma @Pradhan, Arjun and Akshay Sharma are allowed. They are ordered to be released on bail on furnishing their bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.
7. The petitions are accordingly, accepted.
8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

22.07.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No