



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.25748 of 2024
Date of decision: 31st July, 2024

Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish Rana, Advocate for the petitioner.

Mr. Gagandeep S. Chhina, Asst. 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.86 dated 20.02.2023 under Sections 302, 307, 34, 120-B of the IPC and sections 25, 29 of the Arms Act, 1959 registered at Police Station Sector 13-17, Panipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 13.06.2023 in a case of false implication. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, it has been submitted that the case at hand is based on eye-witness account, however, a perusal of the FIR clearly reveals that the petitioner was neither named therein nor was his presence shown at the place of occurrence or any other place in the vicinity thereof. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement of co-



accused Surrender, who allegedly stated that the weapon of offence i.e. a country made firearm had been purchased by him from the petitioner. Learned counsel has submitted that the petitioner has no criminal antecedents coupled with the fact that he did not have any motive to conspire with the co-accused to commit the crime in question, and hence, it was on the face of it, evident, that he was innocent and had been falsely implicated in the present case.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Tasbir, has not been able to dispute the factual aspect of the submissions made by the counsel opposite. It has also not been disputed by the learned State counsel that the alleged weapon of offence was an unlicensed country made weapon, however, it has been submitted that during investigation it had surfaced that the weapon of offence had been provided to the co-accused Surrender by none other than the petitioner.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions, has replied in the negative. On further query put, learned State counsel has submitted that challan has already been presented and charges framed, however, none of the 27 prosecution witnesses have been examined till date.

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

6. The FIR in question was lodged at the instance of an eye-witness/complainant who allegedly witnessed the occurrence in question.



No allegation much less by way of a whisper was levelled against the petitioner. His name surfaced, as conceded by the learned State counsel, in a disclosure statement and his alleged role is only of selling country made weapons to the co-accused, which were then used to fatally injure the deceased. In the facts and circumstances as enumerated hereinabove, since the trial would take considerable time to conclude, further incarceration of the petitioner would serve no useful purpose. 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.

7. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 31, 2024
rps

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