



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-26260-2024 (O&M)
Date of Decision: 5.9.2024

Parveen @ Goni Baba ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
331	14.12.2023	Sadar Tohana, District Fatehabad (Haryana)	307 read with Section 34 of Indian Penal Code and Section 25 of Arms Act.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Bittu, wherein it is alleged that on 23.12.2023 at about 08:30 P.M. when the complainant’s brother and complainant’s salesman were present at the liquor vend allotted to the complainant for the year 2023-2024, then three young boys came to the liquor vend on a motorcycle and out of them two boys got down from the motorcycle and fired at the liquor vend from their pistols. However, the



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salesman and complainant's brother managed to save themselves by taking shelter behind the counter. The bullets fired from the pistols hit the liquor bottles and shutter of the shop. The complainant alleged that an attempt had been made to kill complainant's brother and his salesman. It is further alleged that upon inquiries made by the complainant he came to know that the two persons, who had fired, were Sanju @ Jhota son of Sonu Ram and Jaspreet @ Labbu son of Harpal. It is further alleged that Sanju @ Jhota and his friend were pressuring the complainant to make them shareholders in the liquor vend.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of a disclosure statement made by Sanju @ Jhota and that in the absence of any other connecting evidence, no sanctity can be attached to such like disclosure statement. Learned counsel further submitted that, in any case, even as per the FIR it is the two persons, who are specifically named in the FIR and are stated to have fired and the 3rd person, even if, assumed to be the petitioner, is neither stated to have been carrying any weapon nor is stated to have fired. Learned counsel further submitted that it is a case where nobody has been injured and, as such, the petitioner, who is not even named in the FIR, deserves the concession of bail particularly when he has been behind bars since the last more than 7 months.
4. Opposing the petition, learned State counsel submitted that the petitioner is a habitual offender having been involved in about 13 cases, through he has been acquitted in 5 cases. It has also been informed that as of now none out of the cited 32 PWs has been examined.



5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, neither the petitioner is named in the FIR nor is there any allegation that he had fired at the complainant’s brother and salesman. The petitioner has been behind bars for a substantial period of more than 7 months. The trial has not even commenced till date though as many as 32 PWs have been cited necessarily indicating that conclusion of trial will take time. Under these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.9.2024

Pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No