



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

CRM-M-45413-2024
Date of Decision: 17.09.2024

RAMDATT ALIAS RAMDUTT ALIAS SONU
....Petitioner

VERSUS

STATE OF HARYANA
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.594 dated 27.11.2023 registered for the offences punishable under Section 25 of Arms Act, 120-B, 201, 307, 326, 341 of IPC (Sections 201 and 326 of IPC added later on) at Police Station Bhiwani City, District Bhiwani.

2. As per allegations recorded in the FIR, 4 unknown persons riding on two motorcycles came in front of the house of the complainant- Hari Kishan and the pillion rider opened fire, as a result of which, the complainant sustained injuries and in the meanwhile, the said motorcyclists fled away from there. The name of the present petitioner surfaced in the disclosure statement of co-accused Shekhar and consequently, the petitioner was arrested and one double barrel gun and three live cartridges were recovered at the instance of the petitioner.



3. Counsel for the petitioner, *inter alia*, submits that the petitioner was falsely implicated in the present case on the basis of the alleged disclosure statement of co-accused which is inadmissible in evidence. Even otherwise, as per the said disclosure statement, the petitioner was not physically present at the spot of occurrence, when the firing had taken place. It is further submitted that the petitioner is in custody for the last more than 07 months and challan stands presented but charges are yet to be framed. It is further submitted that the recovery of one double barrel gun and three live cartridges was planted by the police to strengthen its case against the present petitioner and no such weapon was used by the petitioner. It is further contended that it will take considerable time for the trial to conclude. So, prayer is made that petitioner be released on regular bail during pending trial, in same terms as in the case of Mohit, who was enlarged on bail by this Court vide order dated 04.09.2024 (Annexure P-7).

4. Present petition is resisted by the State Counsel, who on instructions from SI Nafe Singh submits that the petitioner helped his accomplices in committing the crime, as a result of which, complainant-Hari Kishan sustained firearm injuries. The State counsel while referring to the disclosure statement of co-accused Shekhar submits that it was petitioner who imparted training to co-accused Shekhar with regard to use of firearms and thereafter, Shekhar and other persons executed the plan by resorting to firing at the time of occurrence. However, the State counsel has not disputed the fact that FIR in this case was registered against unknown persons and the name of the petitioner surfaced only in



the disclosure statement of co-accused Shekhar. The State counsel further apprised the Court that the petitioner was arrested on 13.01.2024 and thereafter he got recovered one double barrel gun and three live cartridges. It is further submitted that report of FSL with regard to aforesaid firearm and ammunition is still awaited. Learned State counsel further submits that trial has not commenced till date. He further apprised the Court about criminal antecedents of the present petitioner, who is involved in 26 other criminal cases whose detail is given in custody certificate including one murder case.

5. In rebuttal, counsel for the petitioner submits that no doubt the petitioner is facing number of criminal case but he is already enlarged on bail in all the said criminal cases. This fact is not refuted by the State counsel in any manner.

6. I have considered the submissions made by the counsel for the parties.

7. Undoubtedly, the petitioner was not named in the FIR and was later on nominated as accused on the basis of disclosure statement suffered by co-accused. The veracity and relevance of the same will be tested during trial. It will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds



to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

17.09.2024
Priyanka Thakur

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