



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47446-2024

Date of decision: 27.09.2024

Gagan alias Gagan Bedi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.595 dated 06.10.2022 under Sections 148, 149, 323, 452, 216, 302, 506 of the IPC and Sections 25-27-30 of the Arms Act, 1959 registered at Police Station Tehsil Camp, Panipat.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR in question and came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by main accused, Parveen, who allegedly fired the fatal shot at the deceased. It has been submitted that even as per the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, it was co-accused Parveen and Sadhu, who fired the fatal shots with firearms at the deceased and which fact stands corroborated from the Post Mortem Report of the deceased. It has been submitted that other



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the firearm shots sustained by the deceased, no other injury, much less blunt, had been found on the person of the deceased during his post mortem. Hence, the allegation levelled against the petitioner of being one of the unidentified persons along with the co-accused, and who had allegedly inflicted injuries with brick bats on the deceased, stands falsified. Learned counsel has further argued that after the occurrence in question, co-accused Parveen suffered his first disclosure statement after nine days; the petitioner was not named and it was subsequently when co-accused Parveen suffered his second disclosure statement that the name of the petitioner surfaced for the first time. Hence, there could be no manner of doubt that the petitioner 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 learned counsel for the petitioner, has drawn the attention of this Court to the allegations levelled in the FIR which stands reproduced hereinunder:-

“Copy of the statement is that, To, the Police Station Tehsil Camp, Panipat. Sir, it is respectfully submitted that I Yogender Sto Sukhbir resident of Desh Raj Colony Panipat and we have business of buffalo dairy in Desh Raj Colony. That about 1 year ago, we had arguments with Parveen Sto Sunil due to some matter, having old enmity in that regard, on 06.10.2022 at about 12.15 AM Parveen Sto Sunil and Chintu S/o Sunil and Sunil, Rakesh Sto Baru and Mintu Sio Baru and Sadhu Sio Maha Singh Bholu S/o Maha Singh and Sonu S/o Bhup Singh and Tinku s/o Bhup Singh and Sandeep S/o Puran and other 4-5 persons came inside the room of my father who was sleeping in his room and beaten him, with regard to that I alongwith Bijender, Monu Pandit and my brother Dinesh took my father to the house of Parveen alias Baru resident of Desh Raj Colony Panipat regarding complaining them about inflicting injuries to my father. That as soon as we reached in the street, Parveen and Sadhu and Sandeep and ladies of their



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family started throwing bricks on us from their roofs. We saved ourselves and were coming back then Parveen alias Baru from his gun (doga) and Sadhu S/o Maha Singh from deshi katta shot many fires/bullets towards us, out of that one fire/bullet hit against chest and shoulders of my brother Dinesh. That we, on seeing the blood coming out from the body of my brother, took Dinesh to Civil Hospital, there the doctor declared my brother dead. That due to the fire shot by Parveen alias Baru and attacks made with bricks by Sunil, Chintu, Rakesh, Mintu, Sadhu, Bholu, Sonu, Tinku, Sandeep and their companions, my brother has been dead. That they all in collusion with each other and in one voice had told that kill all of them today we are with you. That strictest legal action may be taken against all of above said accused persons and justice may be provided to us. Sd/- Yogender 9355545454 date 06.10.2022.”

4. Learned State counsel has submitted that although the petitioner was not named in the FIR in question, however, he was one of the unidentified persons, who had accompanied the co-accused when the crime in question was committed. Learned State counsel has further submitted that the petitioner had thrown brick bats towards the complainant party, including the deceased. However, learned State counsel has not disputed that the fatal injuries have not been attributed to the petitioner but he has submitted that some contusions were found on the person of the deceased during his post mortem. Learned State counsel on instructions has also submitted that the complainant stands examined and the next date fixed before the learned Trial Court is 08.10.2024 when some of the remaining 39 prosecution witnesses are likely to be examined.

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

6. The petitioner has been in custody for almost two years

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having been arrested on 17.11.2022; the complainant, who allegedly witnessed the occurrence in question, already stands examined and hence, there can now be no apprehension of the petitioner intimidating/influencing the witnesses. Moreover, as not disputed by the learned State counsel that fatal injuries have not been attributed to the petitioner. The trial would take considerable time to conclude as 39 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

27.09.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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