



CRM-M-50627-2024

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

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CRM-M-50627-2024

Date of decision: 21st October, 2024

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harshit Jangra, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 558 dated 09.09.2023 registered under Sections 307, 34, 506 of IPC, 1860 and Section 25 of Arms Act, 1959 (Section 120-B of IPC added later on) at Police Station Sadar Bhiwani, Bhiwani.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of a complaint lodged by complainant Vikram alleging therein that he along with some other persons had taken contract for a liquor vend and was running the same under the name and style of D.R. Wine. On 09.09.2023, when he along with his



salesman and some other partners was present at the liquor vend, three youths reached there on a motor bike. While asking about the whereabouts of the complainant, they at once opened fire with an intent to kill them. One of the bullets so fired, pierced into the bottle kept in the liquor vend. In the meanwhile, several persons gathered there, then the assailants fled from the spot. After registration of FIR, investigation proceedings were initiated. During investigation, accused Gaurav @ Bhagta was arrested. He disclosed that he along with the present petitioner and one Udey Bhan had gone to Indore, Madhya Pradesh and had purchased six pistols and sixteen bullets from that place. On the basis of his statement, the petitioner was nominated as an accused in this case and was arrested on 13.03.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was neither named in the FIR nor any specific role has been attributed to him. The complainant Vikram has sworn an affidavit Annexure P-4 in favour of the petitioner affirming that the petitioner was neither present at the place of occurrence nor had any role to play and also saying that he did not want any action against the petitioner. There is unexplained delay in reporting the matter to the police. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. He is on bail in all other cases which have been registered against him. Therefore, it is urged that he

**CRM-M-50627-2024****-3-**

deserves to be released on bail.

4. *Per contra*, learned State counsel who has advance notice of the petition has placed custody certificate of the petitioner on record, as per which, the petitioner has remained in custody for a period of seven months and two days. It is argued by learned State counsel that the petitioner has criminal antecedents as he is involved in five more criminal cases. There are chances of his absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have accompanied the co-accused Gaurav @ Bhagta Village Gujri to Indore, Madhya Pradesh for the purpose of buying firearms and cartridges for using the same by co-accused in committing offences as alleged in the FIR. No specific overt act has been attributed to the present petitioner. Neither it is the case of the prosecution that he had any motive to commit the subject offences. Petitioner is in custody since 13.03.2024. Trial is likely to take time. There is no basis for the contention that the petitioner may intimidate the witnesses. The petitioner is on bail in other five cases as registered against him. Registration of these cases is not a ground to deny the benefit of bail to the present petitioner. Keeping in view the above discussed facts but without meaning to make any comment on the merits thereof, I am of the considered opinion



CRM-M-50627-2024

that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st October, 2024
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |