

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

CRM-M-55930-2023 (O&M)
Date of Decision:- 08.02.2024

Sachin ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
880	28.11.2017	Sadar Palwal, District Palwal	307, 34 IPC (Sections 302, 212, 201, 120-B IPC and Section 25 of Arms Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Dharam Parkash wherein it is alleged that on 27.11.2017 when he was present in his home then he received information that his brother Om Parkash, who was returning home on his motorcycle was hit by a car and as a result of which he had fallen down on the road. The information was further to the effect that the occupants of the car fired at complainant’s brother and

fled away from the spot. The complainant rushed to the spot and made arrangements for taking him to hospital and while on the way complainant's brother disclosed that the assailants were Mannu Kushlipur, Omkar Badhram and they were accompanied by 2-3 unidentified persons.

3. Learned counsel submits that he is nowhere named in the FIR and came to be nominated on the basis of disclosure statement of co-accused. It has further been submitted that although one Sham Lal is projected as an eye-witness but when the statement of said witness was recorded during the proceedings of trial he absolutely resiled from his statement and did not support the case of prosecution at all. It has further been submitted that even the complainant i.e. the brother of the deceased has not named the petitioner in his statement recorded during proceedings of trial and did not identify the petitioner to be an accused.
4. Opposing the petition, learned State counsel submits that the petitioner is a seasoned criminal having been involved in as many as 34 other cases and as such does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 years and 23 days. State counsel has not disputed the fact that the material witnesses have not supported the case of prosecution.
5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner is not named in the FIR. It has also not in dispute that the material witnesses have already resiled and

have not stated a word against the petitioner. The petitioner has been behind bars for a substantial period of 3 years and 23 days. Under these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.02.2024

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No