

2024:PHHC:143676



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM M-53688 of 2024 (O&M)
Date of Decision: 05.11.2024

Gopi		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Jasinder Singh Thind, Advocate, for the petitioner.
Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS, 2023 with a prayer to grant a regular bail in case FIR No.89 dated 09.03.2023 registered under Sections 148, 149, 323, 341, 307 and 506 (Section 302 IPC added and Section 325 IPC deleted) at Police Station Ellenabad, District Sirsa (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR by the complainant and has been falsely involved only on the basis of a CCTV footage, which was allegedly discovered during the course of investigation. Even as per the CCTV footage, the petitioner was allegedly seen coming with

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a group of other accused and was only shown to be present at the place of the occurrence. By referring to the orders (Annexures P-2 to P-4) passed by this Court, learned counsel contends that co-accused Tej Pal @ Annu Sharma, Ravi Sharma and Pawan have already been granted the concession of bail and the petitioner is also similarly placed with them. The petitioner was arrested in the present case on 09th March 2023 and is in custody since then.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the presence of the petitioner has been noted in the CCTV footage, which has been collected during the course of the investigation. He further contends that the petitioner had actively participated in the commission of the crime with the co-accused.

4. I have heard the rival submissions made by learned counsel for the parties and perused the record.

5. The petitioner was not initially named in the FIR and has been arrayed as an accused on the basis of the CCTV footage, which was collected during the course of investigation. It is not in dispute that similarly placed co-accused Tej Pal @ Annu Sharma, Ravi Sharma and Pawan have been granted the concession of bail by this Court. Thus, no purpose will be served by sending the petitioner behind the bars.

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6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

05.11.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No