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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-58018-2023
Date of decision:-08.11.2024

NARINDER @ NINDER
... Petitioner
Versus
STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Prateek Rathee, Advocate for the petitioner.
Mr. Surinder Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
401	19.10.2021	302, 34 IPC and 25, 27, 29 of Arms Act	Rewari City, District Rewari

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was not named in the FIR but was nominated on the disclosure statements of co-accused Narinder alias Ninder. He submits that co-accused Abhisekh having similar attribution and role in the alleged



occurrence has already been granted concession of regular bail vide order dated 03.10.2023 (Annexure P-13) and co-accused Yogesh and Umesh who had allegedly supplied the weapon had already been granted concession of bail vide orders dated 19.01.2022 and 02.02.2022 (Annexure P-4 and P-5 respectively). He submits that after completion of investigation challan has already been presented in Court as such petitioner is not required for further investigation. Hence he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner has actively participated in the crime and was the pillion rider on the motor cycle alongwith co-accused Neeraj and he had procured the pistol used in the commission of the crime from co-accused Yogesh and Umesh. Hence he prays for dismissal of the present petition. However, he has admitted that co-accused Yogesh and Umesh who had allegedly supplied the weapon had already been granted concession of bail vide orders dated 19.01.2022 and 02.02.2022 (Annexure P-4 and P-5 respectively). He has also admitted that challan has been presented in Court, wherein prosecution has cited 51 witnesses and 10 witnesses have been examined so far.

5. After considering the rival contentions and perusing the record, it transpires that Harish Kumar filed a complaint stating that on 19.10.2021 Parveen came on his bike and told him that Gaurav son of the complainant had received a gun shot injury and is lying on Kaluwas Road near Ajay Nagar on reaching the spot he found gun shot injury on he left side of chest of his son and blood was oozing out. He had brought his son to the hospital



where doctor declared him as brought dead on these allegations FIR was registered and Narinder alias Ninder was arrested.

6. Admittedly, the petitioner was nominated on the disclosure statement of the co-accused Narinder alias Ninder and consequently arrested on 25.10.2021 and the recovery of scooty, cap and mobile phone allegedly used in the crime were allegedly effected from him. Co-accused Abhisekh having similar attribution and role in the alleged occurrence had already granted concession of regular bail vide order dated 03.10.2023 (Annexure P-13) and co-accused Yogesh and Umesh who had allegedly supplied the weapon had already been granted concession of bail vide orders dated 19.01.2022 and 02.02.2022 (Annexure P-4 and P-5 respectively). Even from the perusal of the status report submitted by the State would reveal that the role attributed to the petitioner is that of hatching conspiracy and being a pillion rider on the motorcycle alongwith co-accused Neeraj who allegedly fired from the pistol which hit the victim. It is also alleged therein that the petitioner had procured the pistol used in the crime from co-accused Yogesh and Umesh. Said Yogesh and Umesh has since been granted concession of bail. Admittedly no weapon was recovered from the possession of the petitioner nor he was alleged to have caused any injury by use of any weapon in the occurrence. The petitioner is in custody since 25.10.2021 and after completion of investigation, challan has been presented in Court wherein prosecution has cited 51 witnesses and out of them only 10 witnesses have been examined so far. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.



7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |