



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57419-2024
Date of decision: 29.11.2024

Rohit @ Chota ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Anshuman Dalal, Advocate for the petitioner.
Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail in criminal case having FIR No.594 dated 27.11.2023, under Sections 120-B, 201, 307, 326/34 of IPC and Section 25 of Arms Act, registered at Police Station City Bhiwani, District Bhiwani.
2. The allegations in nutshell are that on 27.11.2023, complainant Hari Krishan was standing outside his house and it was about 8/8:30 AM. In the meantime, four young boys riding on two motor cycles came there and they started firing. Some of the shots hit complaint and he ran inside his residential house to save himself. The incident was also captured in the CCTV camera installed at the house of the complainant. After firing 10/15 rounds, the aforesaid boys fled away from there. Co-accused Suraj, Shekhar, Sachin etc. were named by the complainant in his supplementary statement.

The name of the present petitioner surfaced in the disclosure statement of



co-accused Shekhar and thereafter, the present petitioner was arrested.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and was not present at the time of alleged firing and during investigation, one mobile phone was recovered at the instance of the petitioner. It is further submitted that the petitioner was not named in the FIR and also not named by the complainant in his supplementary statement wherein he named eight other accused persons including Shekhar. It is further submitted that as per prosecution version, Shekhar disclosed name of the petitioner. It is further submitted that the said disclosure statement suffered by co-accused will be tested during trial. It is further submitted that the petitioner is in custody for the last more than 10 months and it will take time for trial to conclude.

4. The present petition is resisted by the State counsel who on instructions from SI Nafeh Singh submits that the name of the petitioner surfaced in disclosure statement suffered by co-accused and resultantly, petitioner was arrested and one mobile phone was recovered from his possession. However, the State counsel has not refuted the fact that the petitioner was not physically present at the time of incident of firing but was part of the conspiracy hatched by the accused persons to eliminate the complainant. The State counsel apprised the Court that the trial is at its initial stage.

5. I have considered the submissions made by counsel for the parties.

6. The FIR in this case was registered unknown persons, and thereafter, complainant named certain persons in his supplementary

statement but at that time, he did not name the present petitioner. The name of the petitioner surfaced in disclosure statement of co-accused Shekhar. The veracity and relevance of the said disclosure statement will be tested during trial. The petitioner was arrested and is incarcerated for the last more than 10 months and during investigation, no fire arm was recovered at his instance. Apparently, it appears that the petitioner himself was not present at the time of the firing incident. It will take time for trial to terminate. In the given circumstance, no purpose will be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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