



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

CRM-M-58059-2024 (O&M)
Date of Decision:- 19.12.2024

Rohtash alias Chhotu ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
26	27.01.2022	Nathu Sarai Chopta, District Sirsa	307, 452, 34 IPC and Sections 25 and 25(6) of the Arms Act

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 by Pawan Kumar wherein it is alleged that on 27.01.2022 at about 07.30 am when he was present at his house, his parents were tethering cattle in the courtyard. Upon hearing a sound of a gun-shot being fired, he went outside the house and saw that Rakesh alias Kala accompanied by three other persons were firing shots at his father. When the complainant challenged them, the assailants fired at him as well, but the complainant ducked down. It is further stated therein that in the meantime complainant's brother



Virender also came running and the assailants fired at him as well and subsequently the assailants ran away by scaling a wall.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR wherein only one Rakesh is named who is stated to be accompanied by three more unidentified persons who were later on identified as Avinash, Sukhbir, Mangat and Ashok and that he came to be nominated subsequently on the disclosure statement made by Rakesh wherein he stated that the weapon i.e. pistol used for commission of offence has been procured from the petitioner.
4. Opposing the petition, learned State counsel has not disputed the fact that the petitioner is not named in the FIR and even on the basis of investigation he was not found to be present at the spot amongst the assailants and that the role attributed to him is that he had supplied the pistol to the main accused. Learned State counsel has informed that the petitioner as on date has been behind bars since the last 4 months and is otherwise involved in three other cases.
5. This Court has considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner is not amongst the other co-accused who were present at the spot who had fired at the complainant's father and brother and also at the complainant. The petitioner has been nominated on the basis of disclosure statement which is recorded after 1 year and 7 months and is alleged to have supplied pistol to the other co-accused. The petitioner has been



behind bars for a substantial period of about 4 months. Conclusion of trial is likely to consume time as none out of the cited 32 PWs has been examined till date. 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.12.2024
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(GURVINDER SINGH GILL)
JUDGE

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