

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

CRM-M-62402-2024 (O&M)
Date of Decision:-17.12.2024

Sumit @ Paltora

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashdeep Nain, Advocate and
Mr. Akshay, Advocate for the petitioner.
(through video conferencing)

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Under Section/s
116	3.3.2017	Sadar Bahadurgarh, District Jhajjar	302, 120-B, 34 of Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the FIR lodged at the instance of Parkash, on 03.03.2017 at about 07.30 p.m., he heard a loud noise like bursting of a cracker and when he ran outside his house, he saw Naveen @ Bholu, Monu son of Raj Singh, Kala son of Daya Chand running in the street and all three of them were carrying pistols in their hands. The brother of the complainant was lying in a pool of blood. The complainant alleged that about two years back, they had a quarrel with Bholu, Kala and Monu and on account of which, the said persons nursed a grudge against them and had killed his brother.



3. As per the case of prosecution, the petitioner came to be nominated as an accused pursuant to a disclosure statement made by Naveen @ Bholu, wherein he disclosed that the weapon i.e. the pistol used for committing the offence had been supplied by the petitioner.
4. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused, the admissibility and veracity of which would be debatable. It has further been submitted that, in any case, even as per the disclosure statement the petitioner is alleged to have supplied the pistol and it cannot be presumed that he had actively participated or connived with the accused for the purpose of committing the murder of complainant's brother. It has been submitted that the petitioner has been behind bars since the last about 6 years, 9 months and 20 days and that as on date only 13 PWs out of the cited 41 PWs have been examined.
5. Learned State counsel informed that the petitioner as on date has been behind bars since the last about 6 years, 9 months and 20 days and that as on date 13 PWs out of the cited 41 PWs have been examined. Learned State counsel, however, has not disputed the fact that the petitioner came to be nominated on the basis of a disclosure statement of co-accused Naveen @ Bholu, wherein he stated that the petitioner had supplied the pistol used for commission of offence.
6. This Court has considered rival submissions addressed before this Court.
7. Admittedly the petitioner is not named in the FIR. Even as per the disclosure statement the only role attributed to the petitioner is that he had supplied the weapon of offence. The petitioner is not alleged to have participated in the

murder of the deceased at the spot. The petitioner has been behind bars for a substantial period of about 6 years, 9 months and 20 days. Conclusion of trial is likely to consume time inasmuch as only 13 PWs out of the cited 41 PWs have been examined so far. Under these circumstance, further detention of the petitioner will not serve any useful purpose.

8.
- The instant petition, as such, is allowed 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.

17.12.2024

Geeta/P

(Gurvinder Singh Gill)

Judge

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