

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

CRM-M-63051-2024 (O&M)
Date of Decision:-19.12.2024

Ankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kapish Singla, Advocate for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
122	10.4.2023	Murthal, District Sonipat	120-B, 302, 307, 34 of Indian Penal Code and Sections 25, 29 of Arms Act, wherein offences under Sections 148, 149, 202, 216 IPC were added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of Phool Singh, wherein it is alleged that on 10.04.2023, when he along with Vishal and Chand was sitting at the newly opened tea shop of his nephew, namely, Nikhil, then four persons came on two motor-cycles and fired at Nikhil and also at the complainant. While the complainant escaped unhurt, the accused chased Nikhil and fired indiscriminately at him leading to his death. The complainant further stated therein that he could identify all the four persons, if they are produced before

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him. He further stated that he strongly suspected that Nikhil had been done to death by Monu in connivance with his friends Vipin and Ramesh, who must have hatched a conspiracy for the same, as there was enmity on account of elections.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement of the complainant, wherein it is alleged that the petitioner had facilitated escape of the assailants after they had committed the offence at the spot by providing them a vehicle. Learned counsel submitted that admittedly the petitioner is not amongst the assailants, who had fired at Nikhil and that the only case of the prosecution against him is that he had provided a vehicle to enable the co-accused to escape from the spot.
4. Learned counsel for the petitioner further submitted that two eye-witnesses namely Chand and Vishal, who have been examined during the course of trial, have resiled from their statements and have not supported the case of the prosecution. It has further been submitted that the petitioner as on date has been behind bars since the last about 1 year, 7 months and 27 days. Learned counsel submitted that since co-accused Vipin, Daulat Ram, Sumit @ Monu and Ravinder @ Bhinda have already been granted bail by this Court, the petitioner deserves the same concession on ground of parity.
5. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the supplementary statement of the complainant, his complicity is clearly evident. Learned State counsel informed that the petitioner happens to be involved in 5 other cases.



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6. This Court has considered the rival submissions addressed before this Court.
7. Admittedly the petitioner is neither named in the FIR nor even in the supplementary statement is stated to be amongst the assailants and the role attributed to him is that he had provided a car to facilitate escape of the co-accused. The petitioner has been behind bars for a substantial period of about 1 year, 7 months and 27 days. Co-accused Vipin, Daulat Ram, Sumit @ Monu and Ravinder @ Bhinda have already been granted bail by this Court. As on date only 6 PWs out of the cited 33 PWs have been examined so far. Under these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time.
8. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.12.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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