



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-4591-2023
Date of decision: 05.03.2025

Gaurav @ Ashish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Naresh Kumar Chhoker, Advocate and
Mr. Ram Bhati, 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 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case having FIR No.537 dated 20.07.2020 under Sections 148, 149, 302, 341 of IPC and Section 25 of Arms Act, registered at Police Station HTM Hisar, District Hisar.

2. As per the allegations recorded in the FIR, complainant Om Parkash reported to the police on 20.07.2020 at about 4 PM his son Mukesh @ Pardhan was coming back to his house on a two wheeler from the side of Mahavir Colony and in the meantime, 6/7 young boys having fire arms came there on 2/3 motor cycles. Three of them were Sunil @ Poli, Gulshan @ Goldy and Balram @ Lafar. Sunil @ Poli fired shot which hit Mukesh and immediately, thereafter, he fell on the road and tried to escape by running away. On which, Balram @ Lafar and Gulshan @ Goldy and 3/4



other boys started firing towards him, and then Mukesh fell on the ground. The complainant and Abhishek who witnessed the said occurrence raised alarm on which all the above said assailants escaped from the spot.

3. The counsel appearing on behalf of the petitioner submits that the petitioner who was not named in the FIR was later on falsely implicated in the present case and is in custody since 25.03.2021 and during investigation, no weapon or any other incriminating article was recovered from the petitioner. It is further submitted that it will take time for the trial to conclude as prosecution is to examine another 20 witnesses. That co-accused Sunil @ Poli and Balram @ Lafar who were named in the FIR are already enlarged on bail. It is further submitted that in the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Status report by way of an affidavit of Vijay Pal, Deputy Superintendent of Police, Head Quarter, Hisar filed on behalf of the State is taken on record along with custody certificate Annexure R-1 dated 02.07.2024.

5. The present petition is resisted by the State counsel who submits that no doubt, the petitioner was not named in the FIR and was later on nominated as an accused and was taken into custody on 25.03.2021. It is further submitted that all the accused including the present petitioner entered into conspiracy to kill Mukesh and in order to execute the plan, the petitioner procured weapons from Uttar Pradesh and thereafter, delivered the same to the other accused persons, who killed Mukesh with the help of said fire arms. However, the State counsel has not disputed the fact that it



will take time for the trial to conclude as till date, prosecution has examined 14 witnesses and given up 6 witnesses out of total 34 witnesses.

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

7. Admittedly, the petitioner was not named in the FIR and the allegations against the petitioner are that the weapons used by assailants to commit murder of Mukesh were supplied to them by the present petitioner after procuring the same from Uttar Pradesh. In the given circumstances, the exact complicity of the present petitioner with regard to allegations of being part of conspiracy and that he procured the weapons used in commission of crime, will be unfolded during trial. Undoubtedly, the petitioner is in custody since March 2021 and it will take time for the trial to terminate. In the given circumstances, detention of the petitioner in judicial custody for any longer period is not going to serve any purpose.

8. 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.

05.03.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**