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

**CRM-M-29895-2024
Date of Decision:29.04.2025**

CHAMAN

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajesh Lamba, Advocate with
Mr. Abhinav Kaushik, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.504 dated 12.06.2023, registered under Sections 302, 201, 34, 120-B of IPC & Section 25 of Arms Act 1959, Police Station Camp Palwal, District Palwal.

2. The FIR in the present case was registered on the basis of the statement made by Nawal Singh son of Harichand and the same has been reproduced below:-

"To SHO Police Station Camp Palwal. Subject: application for taking legal action with regard to killing by fire shot. Sir, It is prayed that on 11/06/2023 at approximately 7:30 PM, I received telephone from my house that Raja has been shot in the chest and



when we reached Kailash Nagar government school then my son Raja was lying on land and he was shot in the chest. I have complete suspicion that this incident has been committed by Gaurav son of unknown resident of Krishna colony and Vipul son of unknown resident of Kailash Nagar and his companions who in conspiracy have killed my son Raja by firing a shot. Earlier also my son had submitted an application against Gaurav on 05/05/2023 with regard to threat to kill. Upon which police had lodged D. No. 5 dated 29.5.23 and undertook police proceeding. Kindly enquire into the above incident and strictest punishment be ensured for the accused. Thanking you, dated 12.06.23. Applicant Nawal Singh son of Harichand resident of Kailash Nagar Palwal mob. No. 9671052802.”

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and there is no averment in the FIR, which could establish the identity of the petitioner as an assailant in the present case. Even otherwise, the occurrence had taken place at 07:30 P.M. on 11.06.2023 and after due verification of the facts, the FIR was registered at 09:40 A.M. on 12.06.2023 and still the petitioner was not named. He further contends that the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by Gaurav, who had allegedly fired at Raja and Raja had succumbed to the fire arm injuries. He further contends that even as per the case set up by the prosecution, the petitioner was allegedly driving the motorcycle, on which Gaurav also reached at the place of occurrence and fired at Raja. As per him, no other role has been assigned to the petitioner. He further contends that even the motive in the present case has been alleged against Gaurav only and the petitioner had no reason to participate in the commission of crime. He further submits that the petitioner was arrested in the present case on



21.06.2023 and is in custody for the last about 01 year and 10 months and he is not involved in any other criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was also actively involved alongwith Gaurav, main accused and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is stated to be in custody for the last about one year and 10 months. Out of 28 witnesses, 05 witnesses including the complainant have been examined so far. Moreover, the case of the petitioner is clearly distinguishable from the case of Gaurav, main accused, who had fired at Raja.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.



(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

29.04.2025
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(N.S. SHEKHAWAT)
JUDGE

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