



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRM-M-63895-2024

Date of decision: 08.01.2025

Amit @ Baniya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navdeep Singh, Advocate for
Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.157 dated 12.04.2019 under Sections 302, 120-B, 34 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Sonipat, District Sonipat.

2. Learned counsel for the petitioner submits that as per the case of the prosecution itself the only role attributed to the petitioner in the FIR in question is of having supplied the weapon of offence to co-accused Ankit @ Maya, who has since been acquitted by the learned Trial Court on 09.08.2023. Learned counsel has submitted that no doubt the petitioner after being extended the concession of bail on 16.08.2019 vide Annexure P-2, had jumped the bail and had been subsequently declared a proclaimed offender, however, he had been re-arrested on 12.07.2024. Learned counsel has further argued that the



CRM-M-63895-2024

disclosure statement on the basis of which the petitioner came to be nominated as an accused has little evidentiary value and it also needs to be appreciated in the light of co-accused Ankit @ Maya already being acquitted which in turn points to his false implication in the present case. Learned counsel has also submitted that the prosecution evidence is likely to commence on 16.01.2025 and since as many as 26 witnesses have been cited, the possibility of the trial concluding in the near future looks remote. Hence, the petitioner be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the factual aspect of the role attributed to the petitioner. It has been further fairly conceded by the learned State counsel that the petitioner had not been attributed any injury, much less fatal, on the deceased. However, learned State counsel has contended that the weapon of offence used by the co-accused to fatally injure the deceased, had been procured by the co-accused through the petitioner.

4. On a pointed query put to the learned State counsel, he, on instructions, has submitted that the prime accused in the present case is Parveen @ Bholu, who had fired the fatal shots towards the deceased; however, it was not Parveen @ Bholu who had nominated the petitioner as an accused in his disclosure statement but it was co-accused Ankit @ Maya, who stated that the weapon of offence had been procured through the petitioner. Learned State counsel has also not disputed that co-accused Ankit @ Maya, who allegedly accompanied prime accused Parveen @ Bholu, has since been acquitted by the learned Trial Court.



CRM-M-63895-2024

Learned State counsel, on still further instructions, has submitted that since the petitioner, after being extended the concession of bail on 16.08.2019, had absconded and had been declared a proclaimed offender, the trial was still pending qua him and there was a strong likelihood that he could yet again abscond leading to further delay in the conclusion of the trial.

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

6. As not disputed by the learned State counsel, the petitioner has not been attributed any injury, much less fatal, on the deceased nor is it the case of the prosecution that the petitioner was accompanying the co-accused when the occurrence in question took place. The petitioner's name surfaced only in the disclosure statement suffered by co-accused Ankit @ Maya, who stated that the weapon of offence had been procured through the petitioner. Said co-accused Ankit @ Maya has already been acquitted by the learned Trial Court.

7. In the facts and circumstances as enumerated hereinabove coupled with the role attributed to the petitioner, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the

CRM-M-63895-2024

concession of bail granted to him, the State would be at liberty to seek
cancellation of the same.

08.01.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No