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

CRM-M-64978-2024**Date of decision : 18.02.2025****Parveen @ Parveen Kumar****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Bhupinder Kaur, Advocate for
Ms. Gagandeep Kaur, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.0219 dated 25.08.2021, under Sections 148, 149 & 307 of IPC (Sections 212 & 120-B added lateron) and Section 25 of Arms Act, registered at Police Station Kosli, District Rewari.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Yashdev S/o Ashok Kumar. It was alleged that on 25.08.2021 at about 2.30 P.M., he and Akshay were standing in front of the office of Bhupender resident of Bhakli. In the meantime, a motorcycle came from the side of Shalawas on which Himanshu and two other boys were riding. Thereafter, 03 other motorcycles came on which Deepak, Golu and Vicky, were riding. After sometime, all 04 motorcycles came back and they stopped near them. Himanshu, Deepak, Golu, Parvesh, Daku Sahlwas and 06 other boys got down. Himanshu, Deepak and Golu pointed the pistol towards them and all 03 of them started firing at them with intention to kill them. In order to



save himself, he ran towards the farm. The commotion attracted the public and on seeing the public coming there, they fled away on their motorcycles. It was alleged that he was having enmity with Himanshu and Deepak. Request was made to take legal action against the culprits. On the registration of FIR, the investigation commenced. During investigation, the name of the petitioner surfaced on the basis of the disclosure statement of the co-accused, and hence, he was also arrayed as an accused. The petitioner was arrested on 15.11.2021. The petitioner approached the Learned Additional Sessions Judge, Rewari praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Rewari vide her order dated 06.11.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She submits that there is no whisper regarding the petitioner in the FIR, however, he was later on deliberately implicated in this case, on the basis of disclosure statement of the co-accused, which is not even an admissible evidence. She submits that admittedly the petitioner is involved in 14 other cases and hence, because of his antecedents, the present case has been planted upon the petitioner. She submits that no overt act has been attributed to the petitioner. She submits that the petitioner is behind bars from last about 03 years, however, the trial is not concluded till date. Hence, she submits that in the facts and circumstances of the case the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that in all there are 11



accused out of them 05 are on bail. He has produced the custody certificate of the petitioner in the Court and has submitted that the petitioner is a habitual offender. However, he has submitted that the complicity of the petitioner in this case has been found during investigation as his name was disclosed by the co-accused. He submits that the petitioner provided the arms and ammunition and harboured the accused in the present case. He submits that out of 23 prosecution witnesses, 11 witnesses have been examined as on date.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 25.08.2021. Though the petitioner was not named in the FIR, however, lateron, during investigation he was arrayed as an accused. The allegations against the petitioner are to the effect that he conspired with the co-accused by providing arms and ammunition to the co-accused. However, the custody certificate would show that he is behind bars since the date of his arrest and thus, has completed incarceration of 03 years, 02 months and 26 days. Simply because the petitioner is involved in other cases, is no ground for the denial of bail to the petitioner in the present case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

18.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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