



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

CRM-M-48816-2024
Date of decision: 10.02.2025

Suraj @ Ghundi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case having FIR No. 594 dated 27.11.2023, under Section 25 of Arms Act and Sections 120-B, 201, 307, 326 and 34 of IPC (Section 201 and 326 of IPC were added later on), registered at Police Station Bhiwani City, District Bhiwani.

2. As per the allegations recorded in the FIR, four unknown persons riding on two motor cycles came in front of the house of complainant Hari Kishan and the pillion riders opened fire. As a result of which, complainant sustained injuries and in the meanwhile the said motor cyclists fled away from there. There are also allegations that co-accused Sachin @ Sachin Kumar who at the relevant time was lodged in a jail, planned the aforesaid incident. During investigation, it was revealed that the present petitioner was one of the four unknown persons who fired shots at complainant Hari Kishan, at the time of incident. Thereafter, the petitioner



was arrested in the present case and recovery of one pistol was effected by the police at his instance.

3. The counsel appearing on behalf of the petitioner submits that the petitioner was not named in the FIR and later on, nominated as an accused on the basis of disclosure statement suffered by co-accused and the said disclosure statement is inadmissible in evidence. It is further submitted that the petitioner is in custody for the last more than 9 months and as per report submitted by the trial Court, injured Hari Kishan and eye witnesses namely Shakuntla and Radhey Shyam are examined during trial. It is further submitted that it will take time for the trial to conclude and in the given circumstances, detention of the petitioner in judicial custody for longer period is not going to serve any useful purpose.

4. Reply by way of affidavit of Lalit Dalal, Deputy Superintendent of Police, STF, Rohtak filed on behalf of the State was taken on record along with Annexure R-1 to Annexure R-6.

5. The present petition is resisted by the State counsel who submits that the petitioner along with three other persons attacked complainant Hari Kishan and caused fire arm injuries to him at the instance of co-accused Sachin @ Sachin Kumar. It is further submitted that the petitioner is in custody for last more than 9 months and is having criminal history. However, the State counsel has not disputed the fact that complainant and two other eye witnesses are already examined during trial, but it will take time for the trial to conclude.

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



7. Admittedly, the petitioner was not named in the FIR. He was later on nominated as an accused on the basis of disclosure statement, suffered by co-accused Sachin @ Sachin Kumar. During investigation, the petitioner was arrested and he got effected recovery of one pistol and is incarcerated for last 9 months. During trial, complainant and other material witnesses are examined. It being so, there is no apprehension that in case the petitioner is released on bail, he is going to influence key witnesses. The exact complicity of the present petitioner, who was not named in the FIR, will be unfolded during trial. It will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period even if he is having a criminal history.

7. 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.

10.02.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No