



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

245

CRM-M-58515-2024

Date of decision: January 23rd, 2025

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.271 dated 10.08.2021 under Sections 148, 149, 302, 307, 506, 326 of the IPC and Sections 25, 27, 30 of the Arms Act registered at Police Station IMT Rohtak.

2. Learned counsel for the petitioner submits that the possibility of the trial concluding in the near future looks unlikely as 42 prosecution witnesses still remain to be examined. It has been submitted that the petitioner is alleged to have fired from a double barrel gun towards the complainant party and even as per the case of the prosecution, it was co-accused Niranjana and Joginder, who had fired the fatal shots towards the deceased. Learned counsel has submitted that although the petitioner has been falsely implicated but even otherwise, he has been attributed a firearm injury on one of the witnesses, who has since been examined. A prayer has, therefore, been made in the

aforementioned facts and circumstances to admit the petitioner on bail as there can now be no risk of the petitioner tampering with evidence or influencing/intimidating the witnesses.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that the petitioner has been in custody since 16.08.2021 in a case resting on eyewitness account; all the material witnesses including the stamped witnesses and complainant stand examined. However, learned State counsel has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder:

“Statement of Sunil alias Lala son of Shri jai kumar, caste Jant, resident of Kansala, District Rohtak, aged about 38 years, Mobile No.8930037118. Stated that I am resident of aforementioned address and am working as a small scale property dealer. My father Jai Kunar stood retired from Electricity Department. We are three real brothers and I am eldest of them. Younger to me is Ravinder and youngest is Jitender. Jitender is unmarried while we are married. On 09.08.2021, I and my co-villager Kailash son of Jugti resident of Kansnla, had gone to Sohna and Najafgarh for some personal work on my vehicle is bearing registration No.HR12-AM-4327, make 1-20 of white colour. After finishing our work, we were coming to our village Kansala via Mor Kheri Road. At about 11:00 p.m., I stopped my vehicle on the liquor vend at village Kansala and purchased a water bottle and namkeen. RUL when I was purchased the items, worker of the liquor vend entered into arguments with me. In the meantime, younger son of Bira Pandit, who is running a namkeen shop nearby and three workers of the liquor vend, started beating me. Thereupon. I made a call to

my cousin Sonu son of Phool Singh and revealed him that beatings are being given to nie at liquor vend. Thereupon, my cousin Sonu and another cousin brother Kuldeep son of Raj Kumar, reached at the wine shop on their vehicle. On their reaching, the workers of the liquer vend, also called their contractor. Just after few minutes, Scorpio Car bearing No. HR-12-AD-1112 belonging to the contractor of the liquor vend also reached on the spot in which Niranjan alias Nonu son of Satbir, Anand, Joginder and Bholu (nephew of Nanu), Sunil son of Jagbir were present. Some unknown persons whose names I do not know also reached on the spor via another vehicle. All of them were carrying lathi, doga. pistol and revolver in their hands. All of them assaulted my brothers Sonu and Kuldeep. Thereafter, they started firing towards us with an intention to kill us. I and my brothers received fire shots. I received fire shot on my left buttock. Thereafter, we raised alarm of maar diya maar diya. Thereafter, my father and other family members reached on the spot. Thereupon, all the assailants fled away from the spot in their vehicles and while leaving the spot, they also extended life threats to us. I and my brothers have received gunshot injuries. My brothers will disclose better about their injuries. I and my brothers were attacked by Niranjan alias Nanu, Anand and Joginder, Bholu, Sunil S/o Jagbir, younger son of Bira Pandit, workers of liquor vend and other unknown persons, with an intention to kill us. Since severe injuries were received by me and my brothers, therefore, my father and other family members took us to PGIMS, Rohtak. I have come to know that my brother Sonu expired in the way to hospital on account of having received gunshot injuries in his chest. Legal action be taken against the persons who

have given gunshot injuries to my brother, Sonu as also given injuries to me. I have got recorded my statement, listen and same is correct.”

4. On a pointed query, learned State counsel, on instructions, has not disputed that the petitioner has not been attributed fatal injuries on the person of the deceased. Learned State counsel has instead submitted that the prosecution witnesses while stepping into the witness box had supported the case of the prosecution in its entirety and had categorically deposed that the petitioner was also present along with the other co-accused with a firearm with which he had fired towards them.
5. On a further pointed query put to the learned State counsel, he on instructions, has not disputed that the petitioner has no previous criminal antecedents nor has it been disputed that 42 prosecution witnesses remain to be examined.
6. I have heard learned counsel for the parties and perused the relevant material on record.
7. The petitioner, as per the conceded case of the prosecution, has not been attributed fatal injuries on the person of the deceased but only on the stamped witnesses, who have since been examined. The trial would take considerable time to conclude since 42 witnesses still remain to be examined. There can now be no risk of the petitioner intimidating/influencing the witnesses.
8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 23rd, 2025

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No