

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

CRM-M No. 23462 of 2017 (O & M)

Date of Decision: 9.8.2017

Mohit @ Pada

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. Sanjeev Kadian, Advocate, for the petitioner

Ms. Neelam Kashyap, DAG, Haryana

SHEKHER DHAWAN, J.

The present petition under Section 439 Cr.P.C. is for regular bail of the petitioner in FIR No. 42 dated 20.2.2017 under Sections 307/386/34 IPC and Section 25 of Arms Act, registered at Police Station Beri, District Jhajjar.

Facts relevant for the purpose of decision of the case; that complainant Shanker Lal had reported to the police on 20.2.2017 that at about 5.30 p.m. when he was present on the shop, two young boys came on a bike; out of them one was wearing shirt of badami colour and asked him to pay Rs.20 lakhs otherwise he would be fired and on his saying so, the said person fired a shot upon him. The other associate was standing behind him had kept the motor cycle in ignited condition and after committing the crime both of them ran away.

Learned counsel for the petitioner contended that there was no identity of the accused person and the present petitioner has been falsely

implicated in the case; co accused Amit has already been released on bail by this Court vide order dated 18.7.2017 in CRM-M No.23509 of 2017. More so, material witnesses including the complainant has already been examined before the trial Court and they have not supported the prosecution case and failed to identify the accused persons in the Court, the petitioner is in custody since 26.2.2017 and decision of the case still to take some more time, so he be released on bail.

Learned State counsel, while opposing the bail application , contended that identity of the accused persons was disclosed by the complainant in his supplementary statement recorded on the next date i.e. on 21.2.2017. The report from FSL is yet to be received and there is no ground for release of the petitioner on bail at this stage.

Having considered the facts that the petitioner was not named in the FIR and material witnesses including the complainant has not disclosed anything about the identification of the accused persons including the petitioner and co-accused having been released on bail in this case and the fact that decision of the case still to take some more time, no useful purpose would be served by detaining the petitioner in custody; the present petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

The present petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

9.8.2017
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No