

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

215

**CRM-M No.13991 of 2018
Date of Decision: 18.4.2018**

HIMMAT

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vijay Pal, Advocate,
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJ MOHAN SINGH, J.(oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.161 dated 19.5.2016 registered under Sections 307/ 387/ 120-B/ 34 IPC, Section 25 of the Arms Act and Section 42 of the Prisoner Act at Police Station Sadar, Jind.

The FIR was registered on the statement of Jitender, who was partner of 40% share in liquor vend in village Rajpura Bhain. Sandeep was also partner in the said liquor vend. The first occurrence took place about one month prior to registration

of the case when the complainant and Sandeep were sitting in the liquor vend. Naresh and Ram Mehar, father of Kimmat @ Gugan, came to them and asked the complainant that they had received a message from Kimmat @ Gugan and his brother Himmat from jail that the share in liquor vend be given to Gugan, failing which they will kill the complainant. On 2.5.2016 Monu and Binder invited the complainant party in village Intal Kalan for taking share in the liquor vend. Complainant along with Sandeep went to the said village and refused to give share to Gugan. On such refusal, Monu and Binder threatened them that Gugan and Himmat will get them killed. In this scuffle, Mukesh sustained injuries and a case was registered in Jind in respect of that occurrence. Thereafter, on 18.5.2016, in the evening at about 8.00 P.M., complainant, Mukesh and Sandeep were sitting at the roof of the liquor vend and they heard some voice of firing. All came down from the roof and saw that Ashok @ Shoky and one unknown person were carrying pistols in their hands and were firing inside the liquor vend. On seeing the complainant, they fled away from the spot in a swift car.

Evidently, none was injured. Co-accused Neeraj has been granted regular bail by the Coordinate Bench of this Court on 13.11.2017 in CRM-M No. 37180 of 2017.

Learned counsel for the petitioner relies upon

statements of eye witnesses Mukesh, Sandeep and Hakikat to contend that the eye witnesses have not supported the case of the prosecution. Co-accused Naresh and Ram Mehar have already been granted regular bail by the trial Court.

The aforesaid statement of facts has not been disputed by learned State counsel on instructions from SI Karan Singh.

In view of above, without commenting upon merits of the case, I am of the view that the case of the petitioner can be considered for grant of regular bail .

Accordingly, this petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 18, 2018

anita

(RAJ MOHAN SINGH)**JUDGE****Whether reasoned/Speaking****Yes/No*****Whether reportable*****Yes/No**