

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

CRM-M-31406-2018
Date of decision: 13.09.2018

Mohit @ Kofi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Mor, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 324 dated 06.12.2017, registered under Sections 307, 34 and 120-B of the IPC and Section 25 of the Arms Act at Police Station Civil Lines, Bhiwani.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the statement of one Manjeet, it is stated that he is running a shop and on 06.12.2017 at around 6:30 PM, he and his son had gone to medical shop, where two boys came from behind and fired gun shot straight towards the counter which hit his son on the left side of his back. Learned counsel for the petitioner further submits that during the course of trial, Rajiv, owner of the medical shop, appeared as PW-1 and he was declared hostile by the public prosecutor as he has stated that he could not see the assailants who fired the shot.

Learned counsel for the petitioner has also relied upon the statement of PW-2, complainant Manjeet, who was also declared hostile as he has stated that he could not identify the assailants who fired shot which hit his son. Similar

is the statement of PW-3 Rahul who has stated that he had no enmity with anyone and at the time of incident, his face was towards the side of counter, therefore, he could not see the assailants. Copy of the orders in this regard has been placed on record.

Learned counsel for the petitioner further submits that apart from these three eye-witnesses, there is no other eye-witness. It is also submitted that co-accused of the petitioner, namely Mohit and Deepak @ Popat, have already been granted concession of regular bail by this Court in **CRM-M Nos. 17574 and 27981 of 2018**, vide orders dated 09.07.2018 and 13.07.2018, respectively.

Learned counsel for the petitioner further submitted that petitioner is in judicial custody since 13.01.2018 and the conclusion of the trial is likely to take a long time.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the aforesaid facts.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that all the three eye-witnesses have turned hostile; co-accused of the petitioner have already been granted concession of regular bail; petitioner is in judicial custody since 13.01.2018 and the trial is likely to take some time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

September 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*