

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5061-2019 (O&M)
Date of Decision:- 8.2.2019

Mahesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Devinder Singh, Advocate, for the petitioner.

Mr. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.38, dated 18.9.2018, registered at Police Station Sector 65, Gurugram, under Sections 148, 149, 506, 307, 387, 452 of IPC and Section 25 of Arms Act (Section 216 IPC added later on).
- 2 The FIR was lodged at the instance of Rahul Kumar, who has alleged that he is working at the godown of his cousin namely Nitish Kumar. It is alleged that on 17.9.2018 five young boys came at the godown, out of which one placed a mobile phone at Nitish's ear and made him

talk to someone over the phone and the said person, who was on call, said that he is Bijje from Ghata and threatened that in case Nitish wishes to continue working, he has to pay an amount of ₹ 1 lakh by 10 O'clock, failing which he would be shot. It is alleged that upon refusal of Nitish to pay any amount, one of the said boys gave a blow on the leg and shoulder of the complainant with a wooden plank while another gave a 'kick' blow to him. It is further alleged that one of the boys took out a pistol and fired twice in the air, out of which one of the shots grazed the shoulder of the complainant. It is further alleged that, thereafter, the said persons fled away in their white colored Scorpio car bearing registration No.HR-51BP-0709.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in fact is not even named in the FIR and is said to be implicated solely on the basis of disclosure statements made by co-accused Bajender @ Bizzy and Arush.
4. Opposing the petition, learned State counsel has submitted that since the co-accused have specifically named the petitioner to be one of the assailants, no case for grant of bail is made out.
5. Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been nominated on the basis of disclosure statements made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial and also that the petitioner has been behind bars since the last about 3 ½ months and also that his co-accused Siddhant @ Gullu and Vipin have already been granted bail, in my opinion no useful purpose

would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner-Mahesh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. This petition stands accepted accordingly.

February 8, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No