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

**CRM-M No.12819 of 2020 (O&M)
Date of Decision: 03.06.2020**

JATINDER NATH SHARMA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.477 dated 07.12.2019, registered under Sections 307, 120-B, 34 IPC and under Section 25 of the Arms Act at Police Station Ambala City, District Ambala.

The FIR was lodged at the instance of Rajesh Kumar, who alleged that two assailants riding on a motorcycle had fired upon him in the night of 06.12.2019, when he was returning to

his house at about 10.30 p.m. in his car. Darshan Singla was found to be driver of the motorcycle whereas Sukhwinder Singh @ Moni allegedly fired upon the complainant. Sukhwinder Singh @ Moni was arrested. During interrogation, he named Rohit Chawla @ Monu in his disclosure statement. Thereafter, Rohit Chawla was arrested and in his disclosure statement, he named his cousin brother Devender Batra @ Tittu. Consequently, Devender Batra @ Tittu was also arrested and his disclosure statement was recorded in which he named two persons namely Anil Kumar and the present petitioner. Anil Kumar and present petitioner were arrested in the present case.

Learned counsel for the petitioner submitted that Anil Kumar has already been granted regular bail by the Court of Sessions vide order dated 09.04.2020. Petitioner was arrested on 10.02.2020. Challan has already been presented. Petitioner is implicated with the aid of Section 120-B IPC. His name appeared only on account of disclosure statement of Devender Batra @ Tittu, whose name also figured on account of disclosure statement of his cousin Rohit Chawla. Country made pistol has already been recovered from the co-accused Sukhwinder Singh @ Moni in pursuance of his disclosure statement.

Learned State counsel on instructions from the

Investigating Officer submitted that though the petitioner is accused in the present case with the aid of Section 120-B IPC, but his complicity would be seen on the basis of prosecution evidence.

Since role of the petitioner appears to be at par with the complicity of the co-accused Anil Kumar, who has since been granted regular bail by the Additional Sessions Judge, Ambala on 09.04.2020, therefore, at this stage, without adverting to the merits of the case, I am of the view that petitioner can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

June 03, 2020

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No