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

CRM-M No.17987 of 2020(O&M)

Date of Decision: 24.07.2020

Kirtiman and another

.....Petitioners

Vs

State of Haryana

.....Respondent

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

Present: Mr. D.S. Matya, Advocate
for the petitioners.

Mr. Vishal Malik, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

CRM No.17378 of 2020

At the very outset, learned counsel for the petitioner seeks to add offence under Section 307 IPC in the headnote and prayer clause of the petition on the ground that offence under Section 307 IPC was added later on during investigation.

For the reasons mentioned in the application, the same is allowed. Offence under Section 307 IPC is ordered to be added in the headnote as well as prayer clause of the petition.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.569 dated 01.06.2020 registered under Sections 148, 149, 188, 285, 323, 427, 506 IPC at Police Station Ambala City, District Ambala.

Prosecution story started with the allegations that neighbour of the complainant namely Manish Handa @ Chhola and Kushank Sharma @ Red and White were having grudge against each other. Kushank Sharma @ Red and White was known to the accused party. On 31.05.2020, the complainant was present at home. At about 10 pm, Kushank Sharma @ Red and White along with Aman Thakur, Kirti Maan, Nitin @ Coach and Harshit Patha with two other friends came to the house of Manish Handa @ Chhola. All were armed with dandas except Kushank Sharma @ Red and White. They used abusing language against Manish Handa @ Chhola by standing in front of his house and exonerated that Manish Handa @ Chhola should come out from his house. After some time, they went away while giving abuses. After their departure, Manish Handa @ Chhola also came out of the house. Lucky Singh friend of the complainant had come to the house of the complainant for some work. At about 10:45 PM, Kushank Sharma and others again came to the house of Manish Handa and started speaking in loud voice. On hearing their noise, the complainant along with

his friend Lucky Singh inquired from Kushank Sharma as to the problem. Kushank Sharma gave slaps to Lucky Singh. The complainant intervened there. Kushank Sharma also started manhandling the complainant. On raising alarm, family members of the complainant came out and the assailants went away from the spot, while using abusive language against the complainant. At about 11:05 PM, the assailants again came to the spot. Petitioners were armed with dandas-binde etc. At that time, father of the complainant was in the process of bringing the motorcycle inside the house from the street. Complainant and his friend Lucky Singh were also present in the street. Kushank Sharma raised *lalkara* and fired a shot from a firearm which he was carrying in his hand. After firing the shot, all the assailants fled away from the spot after giving threats to the complainant. In this occurrence, none was injured.

Learned counsel for the petitioner submitted that no overtact has been attributed to the petitioner. Complainant has executed an affidavit in the form of compromise and has shown no objection in case, the FIR is dropped qua Kushak Sharma (petitioner No.2), Kirti Maan (petitioner No.1), Rohan and Aman Thakur.

Learned counsel for the complainant has endorsed the factum of aforesaid compromise.

Learned State counsel has opposed the prayer on the ground that there was use of a firearm and the same has been recovered from petitioner No.2.

None has been injured in the present case. Petitioner is in custody since 02.06.2020. The complicity of the petitioner viz-a-viz the offence under Section 307 IPC would be debatable. Co-accused Rohan has been granted regular bail by this Court vide order dated 16.07.2020 passed in CRM-M No.16944 of 2020.

In view of aforesaid circumstances and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

24.07.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No