

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

218

CRM-M-17669-2020
Date of decision: 10.09.2020

Naveen @ Bholu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.162 dated 22.04.2019 registered under Sections 307, 506 and 212 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 25 of the Arms Act, 1959 at Police Station Ambala City, District Ambala.

The above said FIR was registered on statement of complainant Bharat Bhushan @ Rocky, who alleged that on 22.04.2019, he called his friend Mohinder Singh @ Mogli for celebration of his birthday. Mohinder Singh @ Mogli received a telephonic call from Manoj Nain and in response thereof, he and his friend Mohinder Singh @ Mogli went to Madan Dhaba, Court Chowk, Ambala City. After some time an altercation took place between

Mohinder Singh @ Mogli and Manoj Nain. Three friends of Manoj Nain had also come with him. Manoj Nain asked his friends to shoot Mohinder Singh @ Mogli on which one of the friends of Manoj Nain fired on Mohinder Singh @ Mogli who ran towards outside and fell in front of the gate of the Dhaba. Thereafter, Manoj Nain and his friends fled from the spot in their Swift car with the weapons while threatening to kill them in future.

The petitioner, who is in custody since 10.06.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of reply filed by way of affidavit of Sultan Singh, HPS, Deputy Superintendent of Police, Ambala (Hq.).

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner is a handicapped person having 80% disability who has difficulty in moving. The petitioner is not alleged to have fired the gun shot on injured Mohinder Singh @ Mogli. Complainant-Bharat Bhushan @ Rocky made statement to the police that the petitioner was not present at the spot at the time of incident. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner along with others attempted to murder injured Mohinder Singh @ Mogli. In view of the gravity of accusation, the petitioner

does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the role attributed to the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No