

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

206

CRM-M-18704-2020

Date of decision: 31.07.2020

Mohit

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Keshav Pratap Singh, Advocate  
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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**GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Mohit, stated to be aged 28 years, has filed the present petition under Section 439 Cr.P.C., *inter alia* with a prayer for grant of regular bail in case FIR No.468 dated 30.12.2019, registered under Sections 307, 341 & 34 IPC and Section 25 of Arms Act, at Police Station Hathin, District Palwal.

Learned counsel for the petitioner, based on the pleadings, firstly submits that perusal of the FIR would show that he has not been named in the FIR and falsely implicated in the present case. He then submits that even the petitioner has not been arrested in the present case, rather, when Gaurav @ Koka allegedly made a disclosure statement on 07.05.2020 (Annexure P-2),

the petitioner was arrested on the same day. Learned counsel further submits that in fact, Gaurav @ Koka in his statement, had said that one Dabbu s/o Nanakchand r/o Pondari, was having illicit relations with his paternal Uncle's daughter-in-law (namely Sunita). Gaurav also stated that Mohit, the present petitioner, is member of his distant family (distant relatives). He further submitted in the disclosure statement that he fired 3-4 shots to the rider of motorcycle thinking him to be Dabbu @ Surender. But in fact the injured actually was Devender.

Based on the above statement made by Gaurav, learned counsel for the petitioner submits that in fact the present petitioner was neither aware of intention of Gaurav nor he was aware of the enmity and nor the same has been allegedly stated by Gaurav that he had disclosed the said enmity to the petitioner.

On instructions from ASI Ravi Kumar, learned State counsel however submits that the petitioner was the person, who was riding the motorcycle. On further asking, he submits that challan has been presented, however, charges are yet to be framed. There are total of 21 witnesses. After getting instructions, learned State counsel further informed the Court that the injured was discharged from the hospital after about a week. It is also stated that complaint has been filed by Rajender Prasad, who is Uncle of injured-Devender.

Faced with the situation, learned counsel for the petitioner submits that because of COVID-19 situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, hence, the petitioner may be granted concession of regular bail.

In view of the peculiar facts and circumstance as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned, subject to his furnishing bail/surety bonds. In addition to the above, petitioner shall deposit Rs.5,00,000/- (five lacs) with the Duty Magistrate/Duty Magistrate, concerned, which shall be handed over to the injured towards his medical expenses. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

**(GIRISH AGNIHOTRI)**  
**JUDGE**

31.07.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No