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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19983 of 2020
Date of Decision: 10.08.2020

AMAN THAKUR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gaurav Sethi, Advocate
for the petitioner.

Mr. Surender Singh, A.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.569 dated 01.06.2020 registered under Sections 148/149/323/506/427/285/188/307 IPC & Section 25/54/59 of the Arms Act at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner submitted that it is a case of no injury at the instance of the petitioner, nor any fire arm has been used by him. The 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 was known to the petitioner. On 31.05.2020, complainant was at home. At about 10 PM, Kushank Sharma along with petitioner, Kirti Maan, Nitin @ Coach and Harshit Patha along with two other friends came to the house of Manish Handa. Except Kushank Sharma, all were armed with danda-binde etc. They used abusive language against Manish Handa by standing in front of his house and asking him to come out of the house. After some time, they went away while giving abuses. After their departure, Manish Handa also came out of the house. Friend of the complainant namely Lucky Singh came 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 voices. On hearing their voices, the complainant along with his friend Lucky Singh inquired from Kushank Sharma as to the problem. Kushank Sharma gave slaps on the face of Lucky Singh and the complainant also intervened. Kushank Sharma also started manhandling the complainant. On hearing noise, family members of the complainant came in the street and the assailants went away from the spot by using abusive language qua the complainant. At about 11.05 PM, they again came duly armed with danda-

binde etc. At that time, father of the complainant was bringing the motorcycle inside the house from the street. Complainant and his friend Lucky Singh were standing in the street. Kushank Sharma raised lalkara and fired shots from the fire arm. After firing the shots, the assailants fled away from the spot by giving threats to the complainant.

Learned counsel further submitted that no overt act has been attributed to the petitioner. None was injured in the gun shot fire. The allegation against the petitioner is of using the alleged abusive language with others. Petitioner is in custody since 01.06.2020. The complainant has executed an affidavit in the context of a compromise having been reached between the parties and the complainant shows no objection in case the FIR is quashed by the High Court qua Kushank Sharma, Kirti Maan, Rohan and Aman Thakur.

Learned State counsel on the basis of allegations in the FIR and on instructions from the Investigating Officer could not dispute the factual position of the case. Only a bamboo stick has been recovered from the petitioner. It is not in dispute that co-accused namely Rohan, Kirtiman and another have been granted regular bail by the High Court vide order dated 16.07.2020 passed in CRM-M No.16944 of 2020 and order dated 24.07.2020 passed in CRM-M No.17987 of 2020

respectively. The role of the petitioner cannot be distinguished from those, who have been granted regular bail by this Court.

Looking to the aforesaid facts and in view of the situation arising out due to pandemic COVID-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular 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.

(RAJ MOHAN SINGH)
JUDGE

August 10, 2020

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No