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

CRM-M No. 37765 of 2020
Date of Decision: 19.11.2020

Chander Shekhar @ Monti

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P. Sharma, Advocate,
for the petitioner.

Mr. Rajat Gautam, 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.365 dated 07.07.2020 under Sections 307, 387, 120-B IPC and under Section 25/54 of Arms Act registered at Police Station City Narnaul, District Mohindergarh Haryana.

FIR was registered at the instance of Mukesh Kumar Aggarwal with the allegations that some unknown person ring the bell of the house. Son of the complainant namely Himanshu asked from the first floor as to the cause. Then the person raised his pistol towards Himanshu and asked him to tell his

father to pay Rs.50 lacs, otherwise, he would be killed. The person fired in the direction of Himanshu and ran away from the spot. On that very day i.e. 07.07.2020, statement of Himanshu was recorded in which he disclosed names of Ravi Soni and Jogender Yadav who had come to his showroom sometime ago and he identified the person who had fired upon him to be Ravi Soni.

During course of investigation, it was found that Ravi Soni and Jogender Yadav came at the spot on a motorcycle. Ravi Soni fired at Himanshu and also demanded Rs.50 lacs on the instructions and instigation of the petitioner.

Learned counsel for the petitioner submitted that when Himanshu was in the knowledge of these facts, why he did not disclose these facts to his father at the time of registration of FIR. His statement was recorded on 07.07.2020 itself, wherein he gave coloured version in order to implicate the petitioner as kin pin at whose instance and instructions the occurrence had taken place.

Learned State counsel on instructions from ASI Ashok Kumar, however, opposed the prayer on the ground that though Himanshu was not injured, but the complicity of the petitioner along with co-accused would be scanned on the basis of evidence to be led by the parties during trial.

Petitioner is in custody since 17.07.2020.

Challan has been presented, but charges have not been framed so far.

Petitioner has not fired upon Himanshu nor he came to the house to the complainant. Allegations of conspiracy would remain debatable and would be scrutinized by the trial Court on the basis of evidence and material collected by the prosecution.

At this stage, without making any observation on the merits of the case and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

19.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |