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

**CRM-M No.41954 of 2020(O&M)
Date of Decision: 18.12.2020**

Jogender Yadav

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Shashikant Gupta, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, 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 registered under Sections 307, 387, 216, 120-B IPC and Sections 25, 54, 59 of the Arms Act at Police Station City Narnaul, District Mahendergarh.

FIR was registered on the statement of Mukesh Kumar Aggarwal with the allegations that some unknown person rang the bell of his house. When son of the complainant namely Himanshu asked from the first floor as to the cause of ringing

the bell, then the person raised his pistol towards Himanshu and asked him to tell his father to pay an amount of Rs.50 lacs, otherwise he would be killed. The person fired in the direction of Himanshu and ran away from the spot. On 07.07.2020 itself the statement of Himanshu was recorded in which he had disclosed the names of Ravi Soni and the petitioner who had earlier come to his showroom. He had identified the person who had fired upon him to be Ravi Soni. It was found during course of investigation that Ravi Soni and the petitioner came to the spot on a motorcycle. Ravi Soni fired at Himanshu and demanded Rs.50 lacs on the instructions from Chander Shekhar. Chander Shekhar has been granted bail by this Court vide order dated 19.11.2020 passed in CRM-M No.37765 of 2020.

Learned counsel for the petitioner submits that if Himanshu was in the knowledge of these facts then why he did not disclose these facts to his father at the time of registration of the FIR, particularly when his statement was recorded on 07.07.2020 itself.

On the basis of aforesaid facts, learned counsel further submits that coloured version has been given just to implicate the petitioner.

Per contra, learned State counsel opposed the bail on the ground that though Himanshu was not injured, but complicity

of the petitioner on the basis of his connivance with Ravi Soni cannot be ruled out.

The complicity of the petitioner and other co-accused would be scrutinized on the basis of evidence to be led by the prosecution. 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. The allegations of conspiracy would remain debatable.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic 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 regular 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.

18.12.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No