

CRM-M-2645-2021

Date of Decision: 16.02.2021

MANOJ @ MAUJI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jai Bhagwan, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Status report by way of affidavit of Ram Kumar, H.P.S. Deputy Superintendent of Police, Ambala Cantt., District Ambala has been placed on record.

Through present petition, the petitioner is seeking regular bail in case bearing FIR No. 162 dated 22.04.2019 under Sections 307, 506, 34, 212 of Indian Penal Code and Section 25 of the Arms Act registered at Police Station Ambala City, District Ambala (Haryana).

Briefly, the aforesaid FIR has been registered on the basis of statement of Bharat Bhushan @ Rocky alleging that on 22.04.2019, his friend Mohinder Singh @ Mogli had gone to a *dhaba* on the receipt of a telephonic call from the petitioner. Three more friends of the petitioner were accompanying him. The petitioner exhorted his co-accused and one of them fired upon the back of Mohinder Singh @ Mogli by means of a country made pistol.

It has been contended by learned counsel for the petitioner that the petitioner is in custody since 07.05.2019, three co-accused, namely, Ankit, Naveen and Prempal have been released on bail, the fire arm injury has not been attributed to the petitioner, the fire arm injury has been attributed to Joga Singh (co-accused), who is in custody, the investigation of the case is complete and challan has already been presented in the Court. It has been further stated that the injured has been discharged from hospital and is hale and hearty. It has been further contended by learned counsel for the petitioner that as per his information, the injured is presently confined in jail in a criminal case.

On the contrary, it has been argued by learned State counsel that the occurrence took place at the instance of the petitioner and the country made pistol has also been recovered from him.

It is significant to note that the fire arm injury has not been attributed to the petitioner. It has been conceded that no *ballistic* opinion has been sought, though, as per the opinion of the Armourer, the mechanical test of the country made pistol recovered from the petitioner was conducted and the same was found to be in working condition. Three of the co-accused have been released on bail. The investigation of the case is complete, challan has already been presented in the Court, conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

Keeping in view the aforesaid facts, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

16.02.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No