

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15414-2021 (O&M)
Date of Decision:-29.7.2021

Mahender ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjun Atri, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Deepak.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-22337-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-3 to P-6 subject to all just exceptions.

CRM-M-15414-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.202 dated 26.9.2020 at Police

Station DLF Phase-I, District Gurugram, Haryana under Sections 148, 149 and 307 of Indian Penal Code and Section 25 (I-B) (a), 27 (B) of Arms Act.

2. The FIR in question was lodged at the instance of Mohit wherein it is alleged that on 25.9.2020, his uncle Rohit informed him and other members of his family that Manoj and other members of his family had restrained him from plying Hyva vehicle in the garbage plant. The complainant and others went to the garbage plant where Manoj, Harender, Rajan, Malkhan, Pawan, Mohender (petitioner) and Lala were found present and upon being asked that why they were restraining the complainant's uncle from plying Hyva vehicle, they started quarreling with the complainant party. It is alleged that Manoj slapped complainant's uncle Rohit while the remaining of them encircled the complainant and others. It is further alleged that Pawan fired from his pistol at the complainant hitting him on his left arm. It is further stated therein that on account of the shots being fired, they tried to run but Manoj and Pawan fired several shots, though none of the shots hit them.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even as per the FIR, he is not stated to be armed with any weapon and is not attributed any injury. The learned counsel has further submitted that infact the instant FIR is a counter blast to the FIR No.200 dated 25.9.2020, Police Station DLF, Phase-1, District Gurugram, lodged at the instance of Harender, co-accused of the petitioner.
4. Opposing the petition, the learned State counsel has submitted that that since 8 accused are specifically named in the FIR including the petitioner, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not stated to be armed with any weapon and is not attributed any injury. Keeping in view the fact that it is a case of cross version, it will be debatable as to which party is the aggressor. In any case, since the petitioner has been behind bars since the last about 9 months and is not attributed any injury and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No