

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

CRM-M-19400-2021 (O&M)

Date of Decision:- 26.5.2021

Rohit Mehta

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanchit Punia, Advocate, for the petitioner.

Mr. Gagandeep Singh Chinna, AAG, Haryana,
assisted by ASI Masruf Ali.

Mr. Raj Sumer Singh, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No. 307, dated 9.7.2020, Police Station Farakpur now Gandhi Nagar, District Yamuna Nagar, under Sections 148, 149, 307, 323, 324, 427, 452, 506 IPC and Section 25/54/59 of Arms Act.

2. The FIR was lodged at the instance of Intzar Hussain wherein it is alleged that on 8.7.2020 at about 10.30 pm. when he along with his brother-in-law Julfan was present in his office, then five armed persons entered his office and one of them who was carrying a 'sword' gave a blow towards his head which was warded off by his brother-in-law with his hand. Thereafter when the complainant came out of his office another boy gave a blow with an 'iron rod' on his head. Another 2 boys who were also carrying 'iron rods' attacked him and caused injuries on his back. Another of them gave a blow with 'sword' on his back and one of the boys fired at him with an intention to kill him. The complainant in order to save his life ran towards a medical store and the said boys followed him and broke the glass of the medical shop.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused pursuant to a supplementary statement of the complainant recorded on 26.7.2020 wherein he named Rohit Mehta and Karandeep as accused. It has further been submitted that the petitioner who has been in custody for about 10 months, is entitled to grant of bail on the ground of parity inasmuch as other identically situated co-accused have already been granted bail by this Court vide order dated 16.3.2021 (Annexure P-3).
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the supplementary statement dated 26.7.2020, no case for grant of bail is made out.

Learned State counsel has informed that the petitioner is not wanted in any other case.

5. Learned counsel for the complainant Sh. Raj Sumer Singh, Advocate has also opposed the petition stating that in the instant case an 'iron rod' was recovered pursuant to a disclosure statement made by the accused which would clearly show his complicity in the matter and as such he ought not to be granted bail.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the name of the petitioner does not figure in the FIR and that it is only on the basis of a supplementary statement recorded after about 20 days of the FIR that he came to be nominated as an accused. In any case the investigation already stands concluded and challan stands presented and in these circumstances since the petitioner has been behind bars since the last about 10 months and is not stated to be involved in any other case, petitioner deserves the same relief as has been granted to other co-accused. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.5.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No