

In virtual Court

CRM-M-18128-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18128-2021 (O&M)
Date of decision: 15.07.2021

Mohan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjeev Kadian, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.438 dated 25.11.2020 under Sections 148, 149, 307, 323, 506, 379-B IPC and Sections 120-B, 201, 325 IPC (added later on), registered at Police Station Civil Lines Sonipat, District Sonipat.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 06 months and 03 days and is not facing trial in any other case, as on today, as in the earlier FIR, which was registered prior to 2014, he stands convicted. It is further submitted that as per allegations in the FIR, registered on the complainant of Vimal Kishore, 15 days prior to the date of

incident, one Monu had come to him and disclosed that his brother Sonu had taken loan on higher rate of interest from Sheelu @ Sunil and has repaid the loan more than, he borrowed from Sheelu @ Sunil, but despite that he is demanding money from his brother. Monu also informed the complainant that Sheelu @ Sunil is harassing him and his family members and has given a complaint to SP. It is further stated in the FIR that the petitioner was nursing a grudge and on that account, the complainant received a phone call from mobile No.9311707169 that he should come to a plot in Nandwani Nagar. When the complainant reached there, 4-5 persons including Sheelu @ Sunil were present and they were having iron rods and steel pipes. They attacked him and caused multiple injuries on his legs, hands and head.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and during the investigation, it has come that the petitioner made the aforesaid phone call to the victim to come at the spot, where he was attacked by Sheelu @ Sunil and his accomplices. It is further submitted that since the investigation is complete and there is no direct allegation of causing any injury, the petitioner may be released on regular bail.

Learned State counsel has filed the custody certificate dated 14.07.2021 in the Court today and on the basis of affidavit of the Investigating Officer, it is submitted that it is petitioner Mohan, who has telephonically called victim Vimal Kishore under the pretext of showing some house and when he reached at the spot, he was attacked by the accused persons. It is further stated that during the investigation, it was found that aforesaid mobile number, from

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which the petitioner made a phone call to the victim, belongs to one Yovin and he has already been murdered and FIR No.417 dated 05.12.2020 under Section 302 IPC and Section 27 of Arms Act stands registered at Police Station Begumpur, Delhi, therefore, call details could not be verified. It is also submitted that in the report, the doctor has opined that injuries No.1 to 5 and 7 to 12 collectively are dangerous to life. It is further stated that there are 20 prosecution witnesses, which are yet to be examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner was not named in the FIR; he is in custody for the last 06 months; he is not facing trial in any other case; verification of the mobile number is not conducted and also in view of the fact that conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No