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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21409 of 2021 (O&M)

Date of decision: 03.06.2021

Mohit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.08 dated 14.01.2021, for offence punishable under Sections 148/149/201/307 of the Indian Penal Code, 1860 (in short 'IPC') and 25/27/29/54/59 of the Arms Act, registered at Police Station Dujana, District Jhajjar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on a complaint given by Ajay, it is stated that he was going to the service station for washing of his motorcycle and when he reached near the petrol pump then Sonu, Rinku, Deepak and Vineet Pandit fired upon him. Sonu fired upon the complainant – Ajay, however, he escaped by moving down and then, on the other bike, Deepak and Rinku fired upon him, which hit him o his right hand and he fell down and in the meantime, his uncle and brother came there and on seeing the family members, the accused persons ran

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away from the spot. Later on, the victim gave an application to the police in which a different version was given that when he reached ahead of the petrol pump with Vineet Pandit and Rinku, some other boys fired upon him and the bullet hit on his left hand. It is further stated that he has mistakenly given the names of Sonu and Deepak in the complaint whereas they were not present in the incident. Counsel for the petitioner has further submitted that by moving this application, the victim nominates the main accused Sonu, who has allegedly fired upon him, as per the FIR. It is further submitted that the petitioner was not even named in the FIR and his name surfaced in the disclosure statement that he was driving the motorcycle with 04 persons and one Vineet Pandit, had fired upon the victim.

Counsel for the petitioner has further submitted that the recovery of the motorcycle has already been effected and no fire arm was recovered from the petitioner. It is also submitted that the petitioner is in custody since 12.02.2021 and challan has already been presented and it will take some time in conclusion of the trial.

Counsel for the State could not dispute the fact that the petitioner was not named in the FIR and his name surfaced on the disclosure statement that 02 accused namely Sonu and Deepak, have already been exonerated on a complaint given by the victim himself. It is also submitted that the motorcycle was recovered from the petitioner and no fire arm was recovered from him.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 12.02.2021; challan stands presented; the petitioner is not involved in any other

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case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.06.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No