

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-37993-2021 in CRM-M-44846-2021
Date of Decision: 17.11.2021**

Mohit @ Sachin

....Applicant/Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sanjeev Majra, Advocate for applicant/petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana
for respondent No.1-State.

Mr. Gourav Verma, Advocate
for respondent No.2-complainant/injured-Gurmail.

Lalit Batra, J.(Oral)

CRM-37993-2021

This application under Section 482 Cr.P.C. is for preponing the
date of hearing of the main petition, which is already fixed for 13.01.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice of
the application and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no
objection by learned State counsel, hearing of the main petition is preponed
and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Mohit @ Sachin** for grant of regular bail in case FIR No.173 dated 07.07.2021 under Section 307 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Narwana City, District Jind.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that though allegedly fire-arm injury on the person of complainant/injured-Gurmail is attributed to petitioner, however, complainant/injured-Gurmail, vide his affidavit dated 30.07.2021 (Annexure P/2) has categorically stated that petitioner was not involved in the commission of offence. He further submits that co-accused Jagdeep @ Jaggu has already been extended concession of pre-arrest bail by this Court, vide order dated 06.10.2021 passed in CRM-M-36272-2021. He further submits that petitioner is languishing in custody since 09.07.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

Learned counsel for respondent No.2-complainant/injured-Gurmail has given concurrence to the cause of petitioner.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 09.07.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Mohit @ Sachin** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Jind, as the case may be.

(LALIT BATRA)
JUDGE

17.11.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No