

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

Sr. No.209

CRM-M-44952-2021

Date of decision: 22.12.2021

Mohit alias Doctor

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.K. Hooda, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.160 dated 10.05.2019, registered under Sections 307, 341, 34 IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Kundli, District Sonapat.

Briefly stated, the case of the prosecution is that the petitioner and his co-accused attempted to murder Amarjeet and Ajay.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to enmity between the petitioner and the complainant; the petitioner is in custody since 18.06.2019; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no specific role has been attributed to the petitioner; injured Amarjeet and Ajay while appearing before the Trial Court as witnesses for the prosecution have not supported the prosecution's case as a result whereof they have been declared hostile; co-accused Kuldeep @ I.G., who was alleged to have supplied a pistol and three live cartridges which were allegedly used to fire upon Amarjeet and Ajay has been granted regular bail by this Court and that in the petitioner's trial in which 07 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was a part of the unlawful assembly which attempted to murder Amarjeet and Ajay and that he is involved in two other criminal cases.

The petitioner is in custody for over 2 ½ years; both the injured i.e. Amarjeet and Ajay while appearing before the Trial Court as witnesses for prosecution have not towed the line of the prosecution and resultantly have been declared hostile; even as per the State, it is not the petitioner who had actually fired upon the aforesaid injured persons; co-accused Kuldeep @ I.G. who allegedly supplied a pistol and three cartridges used to fire upon the injured has been granted regular bail by this Court and that the petitioner's trial in which 07 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

After considering the above rival submissions, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sonapat, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 22, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No