

223

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

(Through video conferencing)

**CRM-M No.47360 of 2021
Date of Decision: 18.11.2021**

RAVI SONI

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rohit Kumar, Advocate for
Mr. R.K. Girdhwal, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C. in case bearing FIR No.365 dated 07.07.2020 registered under Sections 307, 387, 216 IPC and Sections 25/54/59 of the Arms Act at Police Station City Narnaul, District Mohindergarh Haryana. Earlier petition bearing CRM-M No.8286 of 2021 was got dismissed as withdrawn on 26.02.2021.

As per prosecution case set up by the complainant-

Mukesh Kumar Aggarwal some unknown person ring the bell of his house. Son of the complainant namely Himanshu asked from the first floor as to the cause of ringing the bell by the person. Then the person on the ground floor raised his pistol towards Himanshu and asked him to tell his father to pay Rs.50 lakhs, otherwise, he would be killed. The said person fired towards Himanshu and thereafter ran away from the spot. Himanshu was not injured. On that very day i.e. 07.07.2020, statement of Himanshu was recorded in which he disclosed names of petitioner and one Jogender Yadav, who had come to his showroom sometime ago and he identified the person, who had fired upon him and that person was the petitioner.

During course of investigation, it was also found by the Police that petitioner and Jogender Yadav had come to the spot on a motorcycle. Petitioner opened fire at Himanshu and also demanded Rs.50 lakhs on instructions and instigation of Chander Skhehar @ Monti.

Learned counsel for the petitioner submits that when Himanshu was in the knowledge of these facts, why he did not disclose these facts to his father at the time of registration of FIR. His statement was recorded on 07.07.2020 itself, wherein he gave coloured version in order to implicate the accused persons. According to learned counsel, the occurrence has not taken place in the manner as suggested by the complainant.

Learned counsel also places reliance upon the orders dated 19.11.2020 and 18.12.2020 passed in CRM-M No.37765 of 2020 titled '*Chander Shekhar @ Monti vs. State of Haryana*' and CRM-M No.41954 of 2020 titled '*Jogender Yadav vs. State of Haryana*' respectively. Vide the aforesaid orders, the co-accused have been granted regular bail by this Court. Petitioner is in custody since 06.10.2020. Challan has already been presented, but charges have not been framed so far.

Learned State counsel however, opposes the prayer on the ground that though Himanshu was not injured, but the complicity of the petitioner in connivance with other persons cannot be ruled out particularly when he himself has fired upon the Himanshu.

Having considered the arguments, this Court *prima facie* finds that it is a case of no injury. The complicity of the petitioner and other co-accused would be scrutinized by the trial Court on the basis of evidence to be led by the prosecution. Since no prosecution witness has been examined so far, therefore, the trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out of COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on the merits of the case.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

November 18, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No