

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

(Sr. No. 104)

CRM-M No. 51764 of 2021

Date of decision : 14.12.2021

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Anil Mehta, Advocate for the petitioner.
Mr. Sumit Jain, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.154 dated 26.06.2021 registered under Sections 307/34/506 IPC and Sections 25/27/54/59 of the Arms Act, 1959 at Police Station HSIIDC Barhi, district Sonipat.

Briefly stated, the case of the prosecution is that the complainant - Vicky gave a complaint to the police that on 25.06.2021 at 09:30 p.m. he received a phone call and the caller asked for 10 boxes of liquor from him which he refused. Thereafter, on the same day, at about 10:30/11:00 p.m. co-accused Sandeep along with two-three persons came on two motorcycles and fired 3-4 shots towards him which luckily did not hit him. When the complainant raised an alarm the assailants on the other motorcycle also fired shots at him which also did not hit him. Thereafter,

the assailants left the spot with their respective weapons but only after threatening the complainant with dire consequences.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against him; the only evidence against the petitioner are the disclosure statements of co-accused Sandeep and Sarvar allegedly made by them in police custody which have no evidentiary value; no recovery is to be made from the petitioner and that the petitioner is also ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel, who appears on advance notice, opposes the grant of anticipatory bail to the petitioner primarily on the ground that he and his co-accused attempted to murder the complainant and as per the evidence collected so far empties of bullets fired from at least two weapons have been collected from the spot.

As per the case of the prosecution the complainant, who owns a liquor vend, received a telephone call for supply of 10 liquor boxes and on his refusal to do so the petitioner and his co-accused came on two motorcycles and fired at least four shots on the complainant, the empties of which have allegedly been recovered from the spot in question.

Due to the afore serious allegations against the petitioner and his co-accused of having attempted to murder the complainant only because he refused to supply liquor to them, the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

14.12.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No