

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

205

CRM-M-6965-2022

Date of decision: 23.02.2022

SONU @ JOHTA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Virender Soni, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners, in case, FIR No. 419 dated 24.09.2021 registered under Sections 307, 323, 506, 34 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 25 of the Arms Act at Police Station Civil Lines, Hisar, District Hisar to which Section 25 of the Arms Act was deleted later on.

The present FIR was registered on complaint made by Sahil @ Soni who alleged that on 23.09.2021 at around 4.00 P.M., he was present outside his shop then one boy came to him and asked for a polythene. On this he told the boy to take the polythene from the shop as he was getting wet in the rain. On hearing this, the boy started beating him and the complainant was saved by some other persons.

Upon checking the CCTV footage, the boy was found to be visiting in the shop of one Naresh and on enquiring from Naresh, the name of boy was told as Sonu @ Johta (petitioner) and after taking his mobile number, phone call was made to the petitioner who said that he would come to their shop but did not come. Thereafter, the complainant along with other shop owners got lodged a complaint of the beating incident with the police. After some time, the petitioner made a phone call and threatened that he would teach a lesson for reporting the matter to the police and the petitioner along with his co-accused came to the shop of the complainant and started giving beatings to him (complainant). The other shop owners Pawan Kumar and Naveen Kumar came to rescue the complainant then one boy wearing a cap fired a shot with the pistol in his hands towards the complainant and Pawan Kumar. Thereafter, all the boys went away in the car and threatened to kill the complainant in future.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioners has argued that the petitioner has been falsely implicated in the present case. There was no reason for the petitioner to give beating to the complainant merely for saying that he was getting wet in the rain. The petitioner was not stated to be carrying any kind of weapon and the fire arm shot is not attributed to the present petitioner. Recovery of country made carbine and two pistols has been affected from co-accused Parminder @ Cheema and the petitioner was shown to have got recovered only one mobile phone.

Except the disclosure statements of the petitioner or his co-accused,

there is no other incriminating evidence against the petitioner. There is no independent witness to the alleged occurrence. The matter has also been compromised with the complainant and affidavits (Annexures P2 and P3) have been furnished by complainant and Pawan Kumar to the effect that the petitioner was not the person who quarreled with them, the petitioner did not fire any shot and has no concern with the case in any manner. Challan in the matter has already been filed. The petitioner is in custody since 24.09.2021. No recovery is to be effected from the petitioner. The trial is likely to take long time. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offences and the petition for grant of regular bail may be dismissed.

Having considered the facts and circumstances of the case, the fire arm shot not attributed to the petitioner, the matter has been compromised/settled by the petitioner with the complainant, no recovery is to be effected from the petitioner, the period of custody and the fact that trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No