

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21016-2022 (O&M)

Date of Decision:-14.11.2022

Mohit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.37, dated 6.2.2021, Police Station Sadar Gohana, Sonipat, under Sections 148, 149, 323, 324 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.
2. The FIR was lodged at the instance of Robin, wherein it is alleged that on 5.2.2021 when he was proceeding towards his home, then Rohit and Mohit were found standing near his house and were hurling abuses. Even Kalu and Madi were abusing him. When the complainant's father Rajesh asked them to refrain from doing so, they scuffled with his father. Later the said persons were sent away with the intervention of villagers. It is alleged that Rohit, Mohit (petitioner), their father Ram Niwas, Kalu and Madi, however, came

back at about 10 p.m. and again started hurling abuses while standing outside their house. When the complainant, his brother Saurabh and his father Rajesh went outside, the said persons attacked them with the help of knives and sticks. Rohit is alleged to have inflicted several blows with knife to the complainant on his waist, fingers of left hand and on his left thigh. Mohit is stated to have inflicted blows with knife to complainant's brother Saurabh. Ram Niwas is also alleged to have given blows with knife to complainant's father Rajesh. Kalu and Madi, who were stated to be carrying sticks, are also alleged to have inflicted blows with the same to the complainant and others.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that when the complainant Robin stepped into the witness box during the proceedings of trial, he did not support the case of prosecution at all and stated that it was some unknown person, who had inflicted injuries to him as well as to his father Rajesh.
4. Opposing the petition, learned State counsel has submitted that apparently it is a case where the petitioner has been able to win over or intimidate the complainant and that since specific allegations have been levelled in the FIR by name, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 8 months and that he is not involved in any other case.
5. This Court has considered the rival submissions.
6. Having regard to the fact that the complainant has not supported the case of prosecution at all and the petitioner otherwise has been behind bars for a substantial period of about 1 year and 8 months and enjoys a clean record,

his further detention will not serve any useful purpose as conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No