

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

CRM-M-26844-2022

Date of Decision: 5th July, 2022

Mohit @ Khuti

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sumit Sangwan, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. The prayer in this petition is for grant of regular bail in case of FIR No. 80, dated 23rd March, 2022, under Sections 147, 148, 307, 323, 341, 427, 506 and 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Dadri City, District Charkhi Dadri.

2. The brief facts of the case are that complainant Surender @ Sonu alleged that he was working as a driver on the vehicle of Krishan @ Ford. On 23rd March, 2022, the vehicle bearing registration No. DL8CAC-2863 driven by him was stopped by 10-15 boys, armed with *lathies* and *dandas*. Thereafter, 10-12 more boys reached at the spot. The accused attacked Krishan @ Ford, a shot was fired at Krishan @ Ford, which he escaped. The role attributed to the petitioner is that he was present at the spot and a wooden *danda* was recovered from him.

3. Learned counsel for the petitioner submits that petitioner is in custody since 11th April, 2022, investigation is complete and petitioner was named in a disclosure statement of the co-accused. He further submits that

petitioner is not involved in any other case and no injury is attributed to the petitioner. The contention is that Section 307 IPC has wrongly been invoked as it is a case of no injury.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that there is a CCTV footage in which the petitioner is visible carrying a *danda*.

5. Without commenting upon the merits of the case, considering that no specific injury attributed to the petitioner, he has no criminal antecedents, it is a debatable issue as to whether case under Section 307 IPC is made out or not and albeit, the investigation is complete conclusion of the trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

5th July, 2022
Parveen Sharma

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