

(218) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35407-2022

Date of Decision: 20.09.2022

Mohit

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Aditi Sharma, Advocate for
Mr. Charanjit Singh Bakhshi, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.200 dated 14.05.2022 (Annexure P-1) registered under Sections 323, 324, 307, 506, 34 IPC, 1860, (Sections 395 and 397 IPC deleted during investigation) with Police Station Rai, District Sonapat.

2. The brief facts of the case are that the present FIR came to be registered at instance of Narinder Kumar son of Kharaiti Lal, who stated that he was engaged in the transport business. While he was travelling with one Naveen Kumar son of Krishan Kumar and Sandeep son of Samay Chand from Ganaur towards Delhi, a car was following them for quite some time. On suspicion when they checked the car number, it was found to be No.DL-10-CK-9621. They stopped their car and the aforementioned car also stopped

behind them. Seeing this conduct, they sped away and stopped at The Golden Hut, Rai. As they got out of the car, the aforementioned vehicle which was a Honda Amaze car stopped behind them and 2/3 more cars arrived and 7-8 boys got out of the cars. All the accused started beating them with iron rods and knives. Naveen Kumar was stabbed with a knife twice on his arm, once in his abdomen and once on his waist. The accused also beat him up and Sandeep on the hands and feet with iron rods. A sum of Rs.1,50,000/- was snatched from him. He was able to identify one Rajvir from amongst the accused.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner has not been named in the FIR. However, in the supplementary statement got recorded by the complainant on 25.05.2022, he has changed his entire version and the petitioner name finds mentioned in the said statement. The complainant did not suffer any injury, whereas Naveen Kumar and Sandeep have suffered simple injuries and the said injuries were not dangerous to life. He contends that the petitioner has been in custody since 26.05.2022 and none of the 14 prosecution witnesses have been examined so far. Therefore, the petitioner deserves the concession of regular bail, moreso, when the co-accused of the petitioner has been granted the concession of regular bail vide order dated 10.08.2022 passed in CRM-M-28559-2022.

4. On the other hand, the learned State counsel has filed a status report dated 16/17.09.2022 on behalf of the respondent-State by way of an affidavit of Vipin Kadian, HPS, Deputy Superintendent of Police, Crime, Sonipat. The same is taken on record. As per the reply, the investigation was conducted, CCTV footage obtained and the facts of the case were verified by

the S.H.O., Police Station Rai. Witnesses present at the spot were also examined after being joined in investigation. Medical evidence was collected and as per the MLR of injured Sandeep, he has received two injuries caused by blunt object which were declared simple in nature. Injured Naveen Kumar has suffered three stab injuries, which have been caused with a sharp edged weapon. The opinion of the Medical Officer was obtained, as per which Naveen Kumar has received simple injuries and none of the injuries have been declared to be dangerous to life. The petitioner is said to have got recovered a knife and car bearing No.DL-10CK-9621 after his arrest.

Based on the said reply, it has been submitted that the petitioner does not deserves the concession of regular bail as the intention of the petitioner and his co-accused was to commit murder, even though the actual injuries caused were simple in nature.

5. I have heard the learned counsel for both the parties at length.
6. Admittedly, the petitioner has been in custody since 26.05.2022. Apparently, there is no injury attracting Section 307 IPC on any of the injured as per the reply of the State. The report under Section 173(2) Cr.P.C. has been submitted citing 14 prosecution witnesses. None of the said witnesses have been examined till date and as such, the trial is not likely to be concluded in the near future. Therefore, the further incarceration of the petitioner is not required, moreso, when co-accused of the petitioner has been granted the concession of regular bail vide order dated 10.08.2022 passed in CRM-M-28559-2022.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mohit son of Shri Bishan Pal is ordered

to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.09.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No