

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

223

**CRM-M-1453 of 2023
Date of Decision : 17.1.2023**

Mohit alias Dhoni

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Balkar Singh, Advocate, for
Mr. Rajvir Malik, Advocate, for the petitioner

Mr. Parveen Kumar Aggarwal, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.27 dated 7.2.2020 under Sections 302, 323, 354, 452, 120-B and 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station HSIDC Barhi, District Sonapat.

The allegations as contained in the FIR, which was recorded on the statement of eye-witness Satbir, is that some unknown boy allegedly fired on his nephew Mohit by country made pistol which he was hiding in his trousers. One of the boys attacked the complainant also with an iron object, and they fled on a motor cycle along with their weapons. They are accused of making filthy comments on the complainant's daughter also.

Learned counsel for the petitioner contends that no role has been attributed to the petitioner nor has he been named. He further states that during trial the complainant Satbir Singh, Balwan (deceased's father) and the girl herself have testified and none of them has identified the petitioner. Nor have they supported the prosecution version, and were declared hostile.

Learned State counsel, on instructions from SI Srinivas, is not in a position to dispute these facts. He is also not in a position to point out any other material on record with regard to the allegations against the petitioner. The petitioner is in custody since 9.2.2020. Thirteen witnesses still remain to be examined. It is, therefore, apparent that trial of the case is going to take some time to conclude.

In this background, it is deemed appropriate that the petitioner be admitted to bail. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Anything observed/recorded hereinabove shall not be considered as expression of opinion on merits of the case.

(TRIBHUVAN DAHIYA)
JUDGE

17.1.2023

Ashwani

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