

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

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CRM-M-6223-2023

Date of decision : 10.02.2023

Monty @ Sahil @ Mohit

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

Mr. Neeraj Madaan, Advocate
for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.23 dated 04.03.2020 registered under Sections 307, 323, 148 and 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Cantt Ferozepur, District Ferozepur.

Custody certificate dated 10.02.2023 has been filed by learned State counsel in the Court today which is taken on record.

Brief facts of the case are that the above-said FIR was registered on the complaint made by Rohit alleging that on 03.03.2020 at about 08:30 p.m. when he along with his mother and uncle-Raman was present in the house, accused Yoti, Sunder, Shubham, Monty (the petitioner) armed with *revolvers*, accused Karni armed with *kapa* and accused Kaku empty handed came outside his house and started raising

lalkaras. Yoti fired shot from his revolver towards him with an intention to kill him which hit on the first finger of his left hand. He and his family members rushed inside the room of their house while raising hue and cry. Accused Yoti, Sunder, Kaku, Monty (the petitioner) and Subhash kept on firing in his house and accused Karni kept on making noise loudly. When his cousin Aman came at the spot, all the accused fled from the spot with their respective weapons.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Neither any specific injury has been attributed to the petitioner nor any weapon has been recovered from him. This FIR has been got registered by the complainant by fabricating injuries just to put pressure to effect compromise in FIR No.78 dated 03.08.2019 got registered by brother of the petitioner against the complaint's party. Even otherwise, the matter has been compromised between the parties. The petitioner is in custody since 17.09.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the petitioner along with his co-accused has actively participated in the alleged crime. The petitioner is also involved in 02 other case, however, he is on bail on the said cases.

Mr. Neeraj Madaan, Advocate has put in appearance on behalf of the complainant and filed his memo of appearance which is taken on record. Learned counsel for the complainant admits the factum of compromise and submits that the complainant has no objection if the

petitioner is released on bail.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that no injury has been attributed to the petitioner and the matter has been compromised between the parties and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Monty @ Sahil @ Mohit is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No