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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-701-2024
Date of decision : 12.01.2024

AnkitPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. K.D.S. Hooda, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0531 dated 05.09.2023 registered for the offences punishable under Sections 25(1)(d), 27, 29 of Arms Act, 1959 and Sections 307, 34, 387, 506 of IPC later on added Sections 212, 120-B of IPC at Police Station Hisar Civil Lines, District Hisar.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. FIR was registered on the information received from Vishnu alleging as under.

“I have taken a hotel on rent from Sunil Kharab in the name of Elite Rest house, Hotel at the rate of Rs.80,000/- per month. This hotel is situated opposite HAU Gate No.4. On

04.09.2023, I alongwith my friend Aman son of Subash and Swan son of Virender resident of Biana Khera. At about 11.30 PM, I received a phone call from Manish resident of Kaimri, from mobile No. 70823-96986 at my mobile No. 8685808996, who told me that if I want to run Elite Hotel, then I will have to pay him Rs.50,000/- per month. Thereafter my phone got switched off. After some time at 12.21 AM, one phone call was received at phone of Aman from Manish at his phone No.8295814315. Manish told me that he is standing in front of my hotel, in the street, alongwith his two friends and he wants to talk to me and called me downward in the street. Thereafter I alongwith my friend Aman and Sawan came down in the street. There Manish alongwith his two accomplice was present on motorcycle splendor plus. I do not know the number of the motorcycle and names of those two persons, but I can identify if brought before me. On my going down there, Manish demanded money. Manish that I I told don't have that much income in the hotel, that I can payRs.50000/- per month to him. But Manish insisted that I will have to pay monthly and I refused to make monthly payment. The another boy standing alongwith Manish pulled out a pistol from his pocket and with intention to kill me fired three round of shots. I saved myself by running away and hiding inside the hotel. Manish after firing shot, alongwith his friends left the place and while leaving proclaimed that today it was my goodluck that I got saved, next time I would be killed. Lateron I dialed on 112. The police reached at the spot. I have given you the complaint. Legal action be taken against Manish and his two accomplice who fired at me. Sd/-”

4. As per case of the prosecution, Manish is stated to have fired shot but the same did not hit any one. Name of the petitioner has figured in the disclosure made by Manish and Rajesh. Rajesh stands released on bail.

The petitioner is behind bars for more than 2 months, 6 days.

5. In view of the fact that the veracity of the disclosure statements that too suffered by co-accused while in police custody would be a debatable question during the course of trial. Challan stands presented, thus there can't be any apprehension that the petitioner shall tamper with the evidence.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 12, 2024
Dpr

(Pankaj Jain)
Judge

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