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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5172-2024
Date of decision : 07.02.2024

Aman @ Anish Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.531 dated 05.09.2023, registered for the offences punishable under Sections 307, 387, 506, 212, 34 and 120-B of IPC and Sections 25(1)(d), 27 and 29 of Arms Act, 1959 at Police Station Hisar Civil Line, District Hisar.
2. As per the contents of the FIR, it has been alleged as under:-

“Sir, it is submitted that I Vishnu son of Kali Ram R/o village Juglan presently residing on rent at Main Street Azad Nagar Hisar. 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.

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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 Mamish 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. I told Manish that I don't have that much income in the hotel, that I can pay Rs.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. Later on 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/-Vishnu.”

3. As per the case of prosecution, main accused Manish is stated to have suffered a disclosure while in police custody to submit

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that it is the petitioner who was accompanying main accused Manish, who fired the shots.

4. On the query being put to the State counsel, he admits that there is no identification parade carried out and thus as on date, the only incriminating evidence against the petitioner is in form of disclosure made by Manish. Investigation stands concluded. Challan stands presented. It is a case of no injury.

5. Keeping in view the incarceration suffered by the petitioner and the nature of allegations against the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

07.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No