

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-33843-2024 (O&M)
Date of Decision: 23.7.2024

Mukesh @ Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S. Virk, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
690	3.11.2021	Azad Nagar, Hisar	307, 285, 201, 120-B, 34 of Indian Penal Code and Sections 25/54/59 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Vinod Kumar, wherein it is alleged that on 3.11.2021, when he was standing outside his store (Modern Mega Store) at about 04:00 p.m. alongwith his brother Sujinder, who was standing nearby, then three boys came on a motorcycle and fired at complainant's brother Sujinder and fled away from the spot.
3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused on the basis of the



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alleged disclosure statement made by accused themselves, when they were arrested in some other case. It has been submitted that the falsity of the case would be evident from the fact that when the complainant and other PWs stepped into the witness box, they were declared hostile and did not identify the accused to be the assailants. It has been submitted that some other accused have already been granted regular bail. It has further been submitted that the petitioner has been behind bars since the last about 2 years, 8 months and 10 days and since the complainant and key eye-witness already stand examined, his detention would not serve any useful purpose.

- 4. Opposing the petition, learned State counsel submitted that since the petitioner was amongst the three motorcycle borne riders and has a chequered history having been involved in 9 other cases out of which he stands acquitted in 7 cases, no case for grant of bail is made out.
- 5. This Court has considered rival submissions addressed before this Court.
- 6. Without commenting anything as regards merits of the case but having regard to the custody of the petitioner i.e. about 2 years, 8 months and 10 days and the fact that the complainant and other key eye-witness have already been examined and have not supported the case of prosecution at all, the instant petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.7.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No