



CRM-M-50002-2024

-1-

115

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

CRM-M-50002-2024
Date of Decision : **28.10.2024**

MANOJ KUMAR ALIAS MANOJ

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.480, dated 24.11.2023, under Sections 307, 459, 506 and 34 of the IPC and under Section 25 of the Arms Act, 1959 (Sections 325, 120-B and 397 IPC added later on), registered at Police Station Faridabad Central, District Faridabad.
2. The instant FIR was registered by the police, on a complaint made by one Naresh Mittal, and, thereafter, the present petitioner was arrested in the instant FIR on 27.08.2024. The relevant extract of the FIR reads as under:-

“To Learned SHO, PS Central, Sector 12, Faridabad. Sir, It is respectfully submitted that I am Naresh Mittal S/o Shri Ashok Mittal R/o House no. 446, Sector 14, Faridabad. I am a property dealer. My



CRM-M-50002-2024

-2-

father Ashok Mittal aged around 68 years is residing at House No. 928, Sector 15A and we also keep visiting them. My father has kept a girl namely Tulsi W/o Prakash for cleaning purpose and she is working from last 15-16 years. At around 07:10 PM in the evening Deepak Singh S/o Rajbir Singh R/o house no. 158, Kundal Colony called me and informed me that My father has been shot by Kulwant Chahal R/o Sector 15A, who had come along with 3-4 other persons on black cars and entered the house by jumping from the wall. Then he forcefully opened the door and had a fight and then fired a shot. When I and Deepak reached the house then we took our injured father to Metro Hospital, Faridabad. That my father told me that Kulwant Chahal had come along with three persons and had a fight with him and told him that Amrish Chaudhary had given the advance money for land then how could he sell the land to someone else. My father had already told him three years back that he has neither received any money from Amrish nor there is any talk going in this regard. Due to this he fired a shot at my father which hit him in his chest. After firing all four persons ran from the spot on their car one of which was black. A case be registered against Kulwant Chahal and other others for attempt to murder and forcefully entering the house and for threatening to kill. All the persons can be recognized when produced before my father.”

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that no role whatsoever, has been assigned to the present petitioner in the instant FIR, and there are no allegation that the present petitioner is involved in the commission of the alleged offence. Rather the only allegation against him is that he supplied the weapon, which was subsequently, used by the main assailant in causing injury to the victim/injured.

4. He further submits that one of the assailants who was present on the spot of occurrence, namely Sanjay Gupta, has already been extended the relief of regular bail by this Court vide order dated 06.08.2024, in CRM-M-36556y-2024.

5. On the other hand, learned State counsel has vociferously opposed the asked for relief (*supra*), and has filed a reply, dated 26.10.2024, by way of an affidavit of Sh.Aman Yadav, ACP, Crime,



CRM-M-50002-2024

-3-

Faridabad, today in the Court, in support of his submissions. The same is ordered to be taken on record.

6. He also submits, that the present petitioner is a habitual offender, as he is involved in four other criminal cases.

7. He in addition submits that the weapon of offence, which was supplied by the present petitioner was in fact, used in the commission of the instant crime by the main assailant. Therefore, he is not entitled for the relief of regular bail.

8. He over and above, on instructions imparted to him by the police official concerned, submits that the instant FIR, is still under investigation, *qua* the present petitioner as final report is yet to be submitted against him.

9. This Court has considered the rival submissions made by learned counsel for both the parties concerned, and has gone through the entire case file, and is of the view that the instant petition is amenable to allowed on the following grounds:-

- i. It is not under dispute that there is no allegation against the present petitioner, that he has caused any injury to any of the victim, or he was present on the spot of the alleged occurrence;**
- ii. The only allegation against the present petitioner is that he supplied the weapon of offence to the main accused;**



CRM-M-50002-2024

-4-

iii. Whether the petitioner shared the common intention with the main assailant, would be a moot question of law, which is to be adjudicated by the learned trial court concerned, at an appropriate stage of the trial;

vi. The petitioner, has already suffered sufficient incarceration of about 2 months as on today, and final report is yet to be submitted by the prosecution *qua* him;

v. Though the petitioner is stated to be involved in four other criminal cases, but it is not the ground to deny the asked for relief (*supra*), to the present petitioner, in the facts and circumstances of the instant matter.

vi. The main accused who used the weapon of offence in the commission of alleged crime, has already been granted the relief of regular bail by this court.

10. In view of the above, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

**CRM-M-50002-2024**

-5-

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

12. All pending application(s), if any, also stand **disposed** of accordingly.

October 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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