



CRM-M-51434-2024

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

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CRM-M-51434-2024

Date of decision: 8th January, 2025

Mohit @ Kanda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Mor, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 196 dated 27.06.2024 registered under Sections 307, 323, 506 read with Section 34 of IPC, 1860 and Section 25(1-B)(a) and 29 of Arms Act, 1959 (Section 201 and 120-B of IPC added later on) at Police Station Sadar, Jhajjar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint filed by the complainant Sunil Nimana, Founder of Gokul Dham Go-Sewa Maha Tirath situated at Gurugram Road, Jhajjar alleging

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therein that the present petitioner was previously working as a Supervisor in his Gaushala. In December, 2023, he came to know that the petitioner had not been performing his duties diligently and therefore, he had increased the strength of the staff in the gaushala. Fearing his termination, the petitioner had started extending threats to kill the complainant by making calls to the driver of the complainant. The complainant had reported about this fact to family members of the petitioner who had assured to prevail good sense upon the petitioner. He alleged that on 27.06.2024, he was present at the village Samastpur Majra, when the petitioner reached there and gave a signal to him to come outside and meet him. Simultaneously, he gave some signal to the co-accused Rinku, who came behind the complainant and while pointing a pistol on his earlope, tried to fire a shot but could not do so due to which the complainant was saved. In the meanwhile, the petitioner also took out a pistol with an intent to kill the complainant. On a commotion having taken place, he could not do so and then fled along with the co-accused Rinku. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 09.07.2024. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has been falsely implicated in this case. No injury had been sustained by the complainant and any other person at the hands of the petitioner. The ingredients for commission of offence of attempt to murder are not at all attracted. There is no independent witness to corroborate the version of the complainant. A false story has been

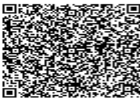
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concocted. Infact, the petitioner had objected to the financial irregularities committed by the complainant in the functioning of the Gaushala and had threatened that he would inform about the misdeeds of the complainant to the administration and that is why, he had been implicated in this case. Investigation stands concluded. Trial is likely to take time since not even a single witness has been examined so far. His further detention would not serve any useful purpose. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by respondent-Assistant Advocate General, Haryana. It is argued by learned Assistant Advocate General, Haryana, assisted by learned counsel for the complainant that there are serious allegations against the petitioner who has criminal antecedents as he was involved in one other case of similar nature. There are chances of his committing similar offences or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have made an attempt to kill the complainant by asking the co-accused to fire a shot upon him and then by trying to use firearm himself. However, no injury is alleged to have been sustained by the complainant. It is also not the version in the FIR that the petitioner had tried to fire any shot upon the complainant on the fateful day. He is in custody since 09.07.2024. Trial is likely to take time. There is no



basis for the contention that he may intimidate the witnesses or commit similar offences. His involvement in another case under Section 307 of IPC cannot be considered to be a ground for denying bail to him especially when as per the version of the prosecution itself he stands acquitted in that case. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the facts as discussed above, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and he is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th January, 2025
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No