



CRM-M-30090-2024

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

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**CRM-M-30090-2024
Decided on : 25.03.2025**

MOHIT WADWA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

Ms. Gurpreet Kaur, Advocate, for
Mr. Ankur, Advocate, for the complainant.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Mohit Wadhwa	32	20.01.2024	323, 324, 308 and 506 of IPC	Surajkund	Faridabad

2. Learned counsel for the petitioner contends that allegations levelled by the complainant in the FIR is of causing injuries with knife, to the injured – Rahul. Thereupon, petitioner has been involved in the present case, which subsequently was converted to Section 308 of IPC.

Counsel for the petitioner also submits that petitioner is inside jail for the last more than 1 year and 3 months, and maximum sentence awarded under Section 308 of IPC, is 7 years.

Counsel for the petitioner also submits that the petitioner and the injured – Rahul were known to each other for a long time, and in



one of the case i.e. FIR No.103/2020 under Sections 148, 149, 323, 506 IPC, both the petitioner and Rahul were named as accused.

Material witnesses for the prosecution, namely the complainant Varindra, the injured Rahul, and another eye-witness, Manish, have already been examined by the Court below. In light of this, counsel for the petitioner submits that there is no possibility of any influence on these witnesses, in case, plea for regular bail be granted to the petitioner by this Court.

3. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that apart present case, petitioner is also involved in other 9 cases. However, she could not dispute the submissions addressed by counsel for the petitioner today, before this Court.

4. Learned counsel for the complainant has produced photographs of the injured, when he was hospitalized. However, no dispute is raised by the counsel for the complainant regarding the fact that, few days after sustaining the injuries, the injured was discharged from the hospital and is now out of danger.

5. Considering the submissions addressed by counsel for the parties, this Court finds that out of total 22 prosecution witnesses, only 6 have been examined (as noticed in the order dated 12.03.2025). However, statements of the material witnesses have already been recorded and petitioner is inside jail for the last more than one year and three months. Therefore, his personal liberty cannot be curtailed for an indefinite period. Moreover, there is no evidence or material placed on record

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before this Court, indicating that the petitioner has been convicted in any of the case, till date.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

25.03.2025

Lavisha

Whether Speaking/Reasoned: **YES/NO**Whether Reportable: **YES/NO**