

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2889 of 2017

Date of Decision: 07.02.2017

Mohit @ Monu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.335 dated 25.09.2015, registered for offences punishable under Sections 302 read with Section 120-B of Indian Penal Code (for short 'IPC') and 25 of the Arms Act, at Police Station Gohana, District Sonapat. Section 114 IPC was added later on.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, brother of complainant was shot dead by accused Neeraj, who fired two bullet shots at him. The petitioner was not named in the FIR. However, he has been named in supplementary statement of the complainant. While appearing as PW-1, complainant has

named Sanjay, Manoj, Baljeet, Mohit (petitioner), Amit, Bittu and Binu alleging that they were accompanying Neeraj at the time of occurrence. Manoj has already been released on bail vide order dated 15.12.2016 passed by this Court in CRM-M-31705 of 2016 while Baljeet and Amit were found innocent by the police.

In view of above and applying the principle of parity but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time , the present petition is allowed. Petitioner-Mohit @ Monu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

February 07, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No