

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

Sr. No.213

**CRM-M-4167-2018**

**Date of decision : 09.03.2018**

Mohan @ Kala @ Mohna

..... Petitioner

**VERSUS**

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Vishal Malik, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

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**SUDHIR MITTAL, J. (Oral)**

The petitioner seeks regular bail in case FIR No.87 dated 30.03.2013, registered at Police Station Sadar Narwana, District Jind, under Sections 302, 201, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

2. Learned counsel for the petitioner contends that the petitioner is not named in the FIR and no recovery has been effected from him. He has already been in custody for one year and nine months and no useful purpose would be served by keeping him in custody indefinitely as the investigation in this case is complete and trial has already commenced and all independent witnesses had been examined.

3. On the other hand, learned State counsel submits that the petitioner is accused of a very serious crime and that there are three other criminal cases pending against him, one of which is under Section 302 IPC. He has also referred to the order (Annexure P-2) to contend that the petitioner absconded in other case registered against him under Section 302 IPC with an intention to influence the independent witnesses and surrendered only after the independent witnesses including the complainant had been examined. Thus, the petition for bail has been opposed.

4. It is not in dispute that the petitioner is not named in the FIR and that no recovery has been effected from him. It is also not in dispute that investigation in this case is complete and all independent witnesses had been examined. So far as the contention regarding the petitioner having intentionally absconded in the other case under Section 302 IPC for the purpose of influencing the complainant, is concerned, the same appears to be bereft of merit. The complainant in this case has turned hostile, but there is nothing on record to suggest that he has been influenced by the petitioner only. Co-accused, namely, Kulbir @ Kullu, who is identically placed as that of the petitioner, has already been granted bail by this Court as is evident from order dated 17.11.2015, passed in CRM-M-34678-2015 titled as 'Kulbir @ Kullu Vs. State of Haryana.' Thus, no useful purpose would be served by keeping the petitioner in custody indefinitely.

5. Accordingly, the petition is allowed. Petitioner Mohan @ Kala @ Mohna, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

**(SUDHIR MITTAL)**  
**JUDGE**

**09.03. 2018**

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No