

214

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

**CRM-M-8553-2020(O&M)
Date of decision : 15.09.2020**

Mohit alias Ronaldo

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Lalit Kumar, Advocate for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in FIR No.24 dated 11.01.2019, under Sections 202/212/302/34 IPC and Section 25/54/59 of Arms Act,1959, registered at Police Station Shivaji Colony, Rohtak, Haryana.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Daya Nand Dhamija. Deceased is son of the complainant namely Vishu who succumbed to knife injuries inflicted upon him on the evening of 11.01.2019. As per

version of the complainant his daughter telephonically informed him that Vishu (since deceased) has received knife injuries and has been removed to the hospital. The complainant thereafter immediately rushed to the Trauma Center, Medical College and Hospital, Rohtak whereupon he met Sahil and Suraj who were the sons of his relative and who had brought the deceased in an auto for medical treatment. As per initial version of the complainant certain unknown persons had killed his son.

Apparently on the same very day a supplementary statement of the complainant was recorded under Section 161 Cr.P.C. and in which he has stated that his son has been killed by Sahil and Suraj sons of Naresh as also Ashish son of Ravi.

It has gone uncontroverted that name of the present petitioner did not figure in the FIR as per initial version of the complainant and neither in the supplementary statement recorded on the same day i.e. 11.01.2019 under Section 161 Cr.P.C.

Petitioner was arrested on 16.01.2019 and implicated in the present case on the basis of a disclosure statement that he made while in custody in a different FIR.

The evidentiary value of such disclosure statement would be a moot aspect to be considered by the trial Court.

Sahil, Suraj and Ashish who were specifically named by the complainant in a supplementary statement dated 11.01.2019 have not been charged for any offence.

Trial is still at the initial stage and would take time to conclude particularly keeping in view the current COVID-19 situation.

Petitioner has already faced incarceration in excess of 19 months.

Without making any observation on merits petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Rohtak.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.09.2020
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No