

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

**CRM-M-21641-2021
Date of decision: 03.11.2021**

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

(Through Video Conferencing)

JASJIT SINGH BEDI, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 528 dated 05.11.2020, registered under Sections 272, 420, 467, 471 of IPC, 1860 and Sections 4 & 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Kharkhoda, District Sonapat, Haryana.

As per the status report submitted by the State, the report under Section 173 Cr.P.C. was initially submitted against co-accused Ankit, Mohit S/o Sahab Singh, Kishore Jha, Pradeep Kumar, Sandeep Kumar, Satish Kumar and Randeep @ Nanhe on 05.01.2021. Thereafter, Mohit S/o Ajmer Singh, the present petitioner was arrayed as an accused on the basis of the disclosure statement of co-accused Mohit S/o Sahab Singh. Pursuant thereto a supplementary challan was submitted against Mohit S/o Ajmer Singh, the present petitioner, Vinod alias Binu and Shyamsher alias Shyama on 17.05.2021.

In this view of the matter, there are as many as 09 accused in toto and 07 of the said 09 accused have been granted regular bail by either this Court or by the learned trial Court vide a different orders.

The petitioner who is similarly situated has been in custody since 28.03.2021 and contends that he also be released on bail.

Learned State counsel on the other hand contends that the petitioner is a habitual offender having three other FIRs registered against him under different provisions of the IPC and Excise Act, the details of which are mentioned in para 9 of the reply.

In response, the learned counsel for the petitioner submits that in other three FIRs, the petitioner has already been granted concession of regular bail.

In view of the fact that the seven co-accused of the petitioner have already been granted bail and that the petitioner is in custody since 20.03.2021, further incarceration of the petitioner is not required as the trial of the present case is not likely to be concluded in the near future.

Therefore, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

03.11.2021
Jitesh

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No