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

**CRM-M No.31538 of 2021 (O&M)
Decided on: 30.09.2021**

Mohit @ Tinku @ Majnu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Bedi, Sr. Advocate
with Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.361 dated 08.06.2018, for offence punishable under Sections 109, 302, 120-B read with Section 34 of the Indian Penal Code (in short 'IPC') and 25/29 of the Arms Act, registered at Police Station Meham, District Rohtak.

The earlier one was dismissed as withdrawn on 08.07.2021 with liberty to the petitioner to file fresh bail application before the trial Court.

Learned senior counsel for the petitioner has submitted that after dismissal of the bail application, the present petition has been filed.

Learned senior counsel for the petitioner has argued that as

per the allegations in the FIR, registered at the instance of Sarla, mother of the deceased Milan. It is stated that Milan used to take coaching in Rohtak for examination of Haryana Police and on 06.06.2018, some verbal altercation took place between her son Milan and one Mohit @ Tinku @ Majnu at old Bus Stand, Rohtak, regarding the issue of getting a seat in the bus and on that account, by keeping a grudge, on 07.06.2018, the petitioner along with Jacky, Sumit @ Sampat, Nitin @ Katia and 3-4 other unknown boys fought with her son and caused injuries to him, for which he has lodged a complaint with the Police Station City Rohtak. Thereafter, in the night of 07.06.2018 at about 11:30 PM, the co-accused Ankit and one another boy came to her house on a motorcycle and knocked the door and when she opened the door, they told her that they came to meet Milan about the altercation which had taken place during the day time. On this, Milan started talking with Ankit and the other boy in the street, in front of her house. In the meantime, Ankit asked for water and when she went inside the house, she heard the sound of firing shots and when she came out, she saw that her son Milan was lying on the ground and Ankit and the other boy, ran away from the spot while waving their weapons. Thereafter, Milan was taken to the hospital where he died during the treatment.

Learned senior counsel for the petitioner has further submitted that during the investigation, Ankit was arrested and on his disclosure statement, it came that the other boy, who was accompanying him was Manjit. It is also submitted that in the disclosure statement of Ankit, the name of the petitioner surfaced, in which he has stated about the incident of 06.06.2018, regarding the dispute of deceased – Milan

with Mohit @ Tinku @ Majnu and further stated that when they were having drinks on a liquor vend, Ankit, Sunil @ Sony and Sonu, asked Manjit to kill Milan after, they swear upon their friendship. Manjit, was having a country-made pistol and Sony, was having a loaded pistol and thereafter, they committed the offence.

Learned senior counsel for the petitioner has then referred to the statement of the complainant, who appeared as PW-1 to submit that after giving the description of the incident of 06.06.2018 and the incident of the day time on 07.06.2018, she has stated that on the same day, Ankit and one another boy, came to her house and by using fire-arm killed Milan. In examination-in-chief, this witness has further stated that later on ASI Vinod told her that the other person, who was accompanying Ankit was co-accused Manjit.

Counsel for the State on the basis of the affidavit of the Investigating Officer has stated that so about the allegations in the FIR and the investigation conducted. It is stated in the affidavit that the petitioner was part of the conspiracy according to which Milan was murdered by Ankit and Manjit. It is also stated that the petitioner is involved in 02 more FIRs under Section 323 relating to the year 2016 and 2017.

A perusal of the Custody Certificate show that the petitioner is in custody for the last 03 years, 02 months and 10 days and he is on bail in the other cases.

Counsel for the State has further submitted that the case is now fixed for recording the statement of the accused under Section 313 Cr.P.C.

Without commenting anything on merits of the case, considering the fact that the prosecution evidence stands concluded; the petitioner is on bail in other cases; he is in custody for the last 03 years, 02 months and 10 days and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

yakub

Yes/No

Yes/No