

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

**CRM-M-39699 of 2021
DECIDED ON: 25th October, 2021**

Mohit @ Lovely

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Fatehjeet Singh, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.144 dated 21.6.2021, under Section 304-A IPC, 1860 (Section 304 IPC added later on) and Section 25 of Arms Act, 1959, registered at Police Station Rama Mandi District Police Commissionerate Jalandhar.

On 21.6.2021, ruqa was received by the police informing that in house of Inderjit Singh, Harbir Singh @ Happy Sandhu, Varun and Mukul and two or three unknown persons were having fire arms and while fiddling with the weapons, the shot was fired which hit Happy.

Learned counsel for the petitioner submits that the petitioner had actually called for help and taken the deceased to the hospital. He relied upon the representation made by the mother of the deceased wherein she stated that Mohit @ Lovely went for calling Harmanpreet Singh from petrol pump where he was working and petitioner and Harmanpreet Singh took her son to the hospital in injured condition. He relied upon the fact that Harmanpreet Singh

was granted bail by this Court.

Learned State counsel on instructions opposes the prayer for grant of bail and submits that Harmanpreet Singh was not present at the spot whereas it was petitioner who went from the spot of the incident to call Harmanpreet Singh.

The petitioner is in custody since 21.6.2021. No recovery is to be made. The role and involvement in the incident is debatable. The petitioner has no criminal antecedents. Conclusion of trial is likely to take time. Bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

25th October, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>