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

CRM-M No.1556 of 2022 (O&M)

Date of decision: 26.05.2022

Mohit @ Mayank

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Chauhan, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 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.232 dated 15.06.2021, for offence punishable under Sections 302, 201, 34, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station Ambala Cantt., District Ambala Cantt.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Hans Kumari, that her brother Jeetu @ Diwakar was murdered by 02 motorcycle riders on 15.06.2021. It is further stated in the FIR that Jeetu @ Diwakar along with his servant Kapil were coming towards their house when the motorcycle riders came and fired upon him. The victim was taken to the hospital where he died. It is also stated in the FIR that the complainant has confidence that Saurabh @ Mau son of Ranjit, Arjun @ Ajju son of

Rajinder have committed the murder as in the year 2019 also, there was a dispute between the deceased and Saurabh, etc. and they had fired upon him. It is further stated that due to this grudge, Saurabh @ Mau, Arjun @ Ajju, Randhir Shammi Pandit, Sonu @ Gajju, Monu Dagar, Aman Gappu, Arjit and Splender Singh have committed the murder. Later on, the police after 03 days recorded a statement of the brother of the deceased Jitender Kumar, who in his supplementary statement stated that the petitioner Mohit Thakur @ Mayank, Saurabh @ Mau, Arjun @ Ajju and Shivam used to do recce of his brother Jeetu for the last many days and were passing on the information to the accused persons, who have committed the murder of Jeetu @ Diwakar. Later on, the statement of Kapil Kumar, the eye-witness was also recorded, who has stated that the murder was committed by Saurabh @ Mau and Arjun @ Ajju.

Counsel for the petitioner has further submitted that apart from the aforesaid evidence that the petitioner along with 02 other persons has conducted the recce of the deceased, there is no allegation that they have either participated in commission of the offence or had any previous enmity with the deceased. It is also submitted that the petitioner is in custody for the last about 11 months and 04 days and charges have been framed and it will take some time in conclusion of the trial.

Reply on behalf of the Deputy Superintendent of Police, Ambala Cantt., filed in the Court is taken on record.

Counsel for the State on the basis of the Custody Certificate and reply has not disputed the factual position but opposed

the prayer for bail. As per the reply, after verifying the contents of the FIR, it is stated in para 3 that the main accused were Saurabh @ Mau and Arjun @ Ajju and in para 5 of this affidavit, it is stated that as per the statement of Jitender Kumar, brother of the deceased, the petitioner had conducted the recce about the movement of the deceased and had passed on the same to the main accused.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 11 months and 04 days; the custodial interrogation of the petitioner is not required and the conclusion of the trial will 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/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

26.05.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No