

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

CRM-M-14201-2022
Date of Decision:-**14.10.2022**

ADITYA ALIAS ATUL	Versus	... Petitioner
STATE OF PUNJAB		... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. A.K.Walia, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.425 dated 11.10.2021 registered under Sections 302, 34 at Police Station Baldev Nagar District Ambala (challan presented under Sections 120-B, 302, 34 IPC).

The counsel for the petitioner submits that the petitioner was not named in the FIR and has been falsely implicated in the present case on the basis of disclosure made by co-accused Mohit. The counsel for the petitioner further submits that as per the alleged disclosure made by Mohit, he went to the place of occurrence on a motorcycle driven by the present petitioner and then Mohit got down from the said motorcycle at some distance and thereafter Mohit walked towards Manav and gave fatal knife blows to him as a result of which Mohit died. The counsel for the petitioner

further submits that it is not the case of prosecution that the petitioner gave knife blows to the deceased. The counsel for the petitioner further submits that the petitioner is in custody for the last about 1 year and is having no criminal history and except for one motorcycle nothing was recovered from him. The counsel for the petitioner further submits that after completion of investigation, challan was presented and now charges are framed but it will take time for the trial to conclude. The counsel for the petitioner further submits that the petitioner is young man of 20 years of age and no purpose is going to be served by keeping him in custody for any longer period.

The instant petition is resisted by the State counsel, who submits that the petitioner facilitated main accused Mohit in committing the murder of Manav and that there are specific allegations against the petitioner that he took Mohit on his motorcycle to the place of occurrence and after commission of crime took him back from there. The State counsel further submits that the petitioner was nominated as an accused on the disclosure statement made by Mohit as well as supplementary statement made by complainant Rajesh Kumar dated 12.10.2021. State counsel further submits that the petitioner was thereafter arrested and aforesaid motorcycle was recovered and now the trial has commenced. However, State counsel has not disputed the fact that petitioner is in custody since last about 1 year and is not involved in any other criminal case.

I have considered the submissions made by counsel for the parties.

The petitioner was not named in the FIR which was registered against Mohit and Rohan and as per the said FIR Mohit gave fatal knife

blows to Manav and at that time Mohit was accompanied by Rohan. In this case the petitioner was nominated as an accused on the basis of disclosure made by co-accused Mohit and supplementary statement of complainant Rajesh Kumar both dated 12.10.2021. The copies of the same are placed on record. As per both the said documents, the petitioner who was not named in the FIR, helped co-accused Mohit in committing the murder of Manav as the petitioner took Mohit on his motorcycle to the place of occurrence and after the occurrence took him back from there. Apparently there are no allegations against the petitioner that he gave fatal knife blows to the deceased. As per the custody certificate, the petitioner is lodged behind the bars for the last about 1 year and is not having any criminal history. After completion of investigation, the police has presented the challan but it will take time for the trial to conclude, so no fruitful purpose would be served by keeping the petitioner behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

14.10.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No