

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

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CRM-M-26615-2022 (O&M)

Date of Decision: 13.07.2022

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.563 dated 25.11.2020 at Police Station Kharkhoda, District Sonipat, under Sections 346/302/201/34 IPC.
2. The FIR was lodged at the instance of Jamna Das, wherein he alleged that his son Nitin had not returned home since the last 4 days and had gone out along with his two friends, namely, Mohit (petitioner) and Nitin s/o Sandeep. Although the complainant tried to search for his son, but he could not be found.
3. It is further the case of prosecution that later on the same day, the dead body of complainant's son Nitin was recovered and was found to be sustaining as many as 21 wounds including punctured and incised wounds. It is further the case of the prosecution that subsequently the complainant made a supplementary statement on the same day itself,

wherein he categorically stated that his son has been murdered by Mohit and Nitin s/o Sandeep.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact when the complainant as well as his other son and uncle of the deceased were examined during the course of trial, all of them resiled and have not supported the case of prosecution at all. Learned counsel in this regard has drawn the attention of this Court to the statements of Yamna Dass, Deepak and Ravinder annexed as Annexures P-3, P-4 & P-5 respectively, wherein all of them have categorically stated that the petitioner had not murdered the complainant's son.
5. Opposing the petition, learned State counsel has submitted that since there is evidence in the shape of tower location record of petitioner's mobile phone, which shows that the petitioner was present at the spot, his complicity is clearly evident. Learned State counsel has, however, not disputed the fact that the material witnesses have not supported the case of prosecution. He has informed that the petitioner as on date has been behind bars since the last about 1 year & 6 months.
6. I have considered rival submissions addressed before this Court.
7. In view of the aforesaid position, wherein the complainant as well as his son and also the uncle of the deceased have not supported the case of the prosecution at all and the petitioner has otherwise been behind bars for a substantial period of 1 year & 6 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is

ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.07.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

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