

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

**CRM-M-30869-2022 (O & M)**

**Date of decision: 08.08.2022**

Mohit @ M.K.

..... Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Karan Singh, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case bearing FIR No.268 dated 24.08.2020 under Sections 148, 149, 323, 324, 341, 307, 379-B IPC (Sections 323, 324, 341, 379-B, 411, 427 and 34 IPC alongwith Section 25 of the Arms Act) registered with Police Station Sadar Jhajjar, District Jhajjar.

The brief facts of the case are that the aforementioned FIR came to be registered at the instance of one Parveen Kumar with the allegations that he was travelling in a car alongwith his family members. When he reached the Dadanpur road NH-71, five unknown persons stopped the car while parking a motor cycle in front of his car. When his brother Arun Kumar got out of the car to ask the said persons as to why they had stopped their car, he was attacked with a knife with an intention to kill him. The glass of the car was also broken. After snatching the key of the car, they fled away from the spot.

The learned counsel for the petitioner contends that no one is named in the FIR. The accused came to be arrested on the basis of disclosure statement suffered by them in other FIRs registered against them. He further contends that the investigation, in this case, was over and charges were framed under Sections 323, 324, 341, 379-B, 411, 427, 394 and 34 IPC and Section 25 of the Arms Act, 1959 and no charge was framed under Section 307 IPC. As per the learned counsel for the petitioner, the evidence of the material witnesses had already been recorded and they had not supported the case of the prosecution. The statements of the complainant/PW-1-Parveen Kumar and other witnesses, namely, PW-2-Arun Kumar, PW-3-Shankar Lal, have been placed on record as Annexures P-3 to P-5 respectively. A perusal of the statements would reveal that none of the persons identified the petitioner. He further contends that the petitioner is in custody since 26.08.2020, and therefore seeks the grant of bail.

The learned State counsel, however, submits that the petitioner alongwith his co-accused has confessed about his involvement in the present case and there is other evidence available with the prosecution agency even though the witnesses have not supported the case of the prosecution. As per the learned State counsel, the petitioner is involved in two other cases, and therefore, he does not deserve the concession of bail, though, he admits that the co-accused of the petitioner, namely, Rinku has been granted the concession of bail by this Court vide order dated 15.03.2022 (Annexure P-6).

I have heard the learned counsel for both the parties.

Admittedly, the petitioner was not named in the FIR. He is said to have confessed about his involvement in the present case when he was arrested in FIR No.267 dated 23.08.2020. Now, all the material witnesses, in the present case, stand examined and none of them have supported the prosecution case. The petitioner is in custody since 26.08.2020 and as such, his further incarceration is not required. The co-accused of the petitioner, namely Rinku has been granted the concession of regular bail by this Court vide order dated 15.05.2022 (Annexure P-6) and the case of the petitioner is on a similar footing.

Keeping in view the aforementioned facts, without going into the merits of the case, the present petition is allowed and the petitioner-Mohit @ M.K. is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Jhajjar.

The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case than the aforesaid cases.

**August 08 2022**  
sukhpreet

**( JASJIT SINGH BEDI)**  
**JUDGE**

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