

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45320-2021 (O&M)

Date of Decision: 29.7.2022

Mohit Sareen alias Gola

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ranbir Singh Pathania, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

CRM-26355-2022

Allowed as prayed for and documents Annexures P-6 to P-8 are taken on record subject to all just exceptions.

Main case

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.36 dated 25.3.2021 registered for the offences punishable under Sections 302, 34 IPC at Police Station City Batala, Batala.

Counsel for the petitioner submits that as per allegations in the FIR, deceased Paras left his house on 29.1.2021 and thereafter, he never came back and on 2.2.2021, the dead body of Paras was found lying inside the disposal room of Bakkar Khana, Navi Abadi, Bank Colony and the FIR in this case was got registered by Neha mother of Paras in which she alleged that she came to know that on 1.2.2021, in the evening, Sonu Kumar,

Gurdev Singh and petitioner Mohit Sareen took her son Paras to a secluded place at Bakkar Khana and at that time, a fight took place between them and the petitioner gave brick blow on the head of Paras, as a result of which, he died at the spot.

Counsel for the petitioner further submits that the petitioner was arrested by the police and is in custody for the last one year and four months and is having no criminal history. He further submits that no recovery of any incriminating article was recovered from the possession of the petitioner. Counsel for the petitioner further contends that after completion of investigation, the police presented the challan and during trial complainant-Neha and other material witnesses including the persons before whom the petitioner and other accused suffered extra judicial confession, are examined.

Counsel for the petitioner while referring to the testimony of aforesaid PWs submits that no evidence is available on record against the petitioner and as such, he is entitled to the grant of regular bail.

Present petition is resisted by the State counsel, who submits that the petitioner is facing serious charges regarding his involvement in the murder of Paras and that trial is going on. However, State counsel has not refuted the fact that the petitioner is in custody for the last more than one year and four months and is having no criminal history.

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

Undoubtedly, the petitioner, Sonu Kumar and Gurdev Singh were named in the FIR which was registered on 25.3.2021 with regard to the incident which took place on 1.2.2021. There was no eye witness to the

alleged occurrence. As per prosecution version, the petitioner and co-accused suffered extra judicial confession before PW3 Gopal Dass and PW4 Reena regarding their involvement in the murder of Paras. However, both the said PWs were declared hostile during the trial. The complainant while appearing in the witness box, stated that she came to know that some days prior to the occurrence a dispute had taken place between his son and the accused persons and due to that grudge, the accused killed her son.

It will take time for conclusion of trial. The petitioner is already in custody for the last more than 1 year and 4 months and is having no criminal history and the material witnesses have already been examined during trial. So, there is no apprehension that if released on bail, the petitioner is going to influence the complainant and other material witnesses. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 29, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No