

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-41063-2021 (O&M)**

Mohit @ Monti ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-39825-2021 (O&M)

Ashutosh ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 12.05.2022**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. B.S.Rana, Senior Advocate, with
Mr. Nayandeep Rana, Advocate, for the petitioner
in CRM-M-41063-2021.Mr. Aditya Sanghi, Advocate, for the petitioner
in CRM-M-39825-2021.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Mohit @ Monti and Ashutosh, seeking grant of regular bail in respect of a case registered against them vide FIR No.327, dated 07.07.2020 at Police Station City Mahendergarh, District Mahendergarh, under Sections 302, 201, 120- B and 34 of Indian Penal Code.

2. The FIR in question was lodged at the instance of Anil Kumar, wherein it has been alleged that he is a vegetable vendor by profession and that on 06.07.2020 when he returned back home at about 8 pm, he was accompanied by his brother Ishwar. At that time Vikas son of his brother Ishwar asked the complainant to give him his motorcycle as he was to bring notes from his friend. The complainant gave his motorcycle to Vikas. However, Vikas did not return back for a long time and on account of which they started searching for him. While they were searching for Vikas they came across a police vehicle parked towards the back side of cow shelter. When they reached near the vehicle they saw dead body of complainant's nephew Vikas and the motorcycle of the complainant was also lying nearby. The complainant alleged that the body of Vikas was bearing several injuries and apparently he had been murdered by some unknown person due to some enmity.
3. Learned counsel for the petitioner/s have submitted that they have falsely been implicated in the present case and that it is a case of blind murder based totally on circumstantial evidence wherein the father himself had been nominated as an accused for having killed his son. Learned counsel have further submitted that the only evidence against the petitioners is in the shape of confessional statements of the co-accused i.e. the complainant and complainant's brother, who are none else but uncle and father of the deceased, which would hardly carry any evidentiary value. It has further been submitted that the petitioners in any case have been behind bars for a substantial period of about 1 year & 10 months and as such, they deserve the concession of bail.

4. Opposing the petition, learned State counsel has submitted that apart from the confessional statements, the police during the course of investigation had been able to collect the call-details record, which shows that the co-accused Anil Kumar was in touch with petitioner - Ashutosh and which would substantiate the case of prosecution that a professional killer (Ashutosh) had been hired through Mohit by the complainant and his brother to eliminate Vikas. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 1 year & 10 months and that they are not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, wherein the father himself had been nominated as an accused for having killed his son and the case is totally based on circumstantial evidence and while noticing that the petitioners have been behind bars for a substantial period of about 1 year & 10 months and that till date only 4 out of the cited 17 PWs have been examined, further detention of the petitioners will not serve any useful purpose as conclusion of trial is likely to consume time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the connected file.

12.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**