

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

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CRM-M-43126-2021

Date of Decision: 17.02.2022

Mohit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajat Mor, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Punit.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.158 dated 18.07.2020 at Police Station Badli, Jhajjar, under Sections 302/120-B/34 IPC and Sections 25/54/59 of the Arms Act.
2. At the time of issuance of notice of motion on 12.10.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.158 dated 18.07.2020 at Police Station Badli, Jhajjar, under Sections 302/120-B/34 IPC and Sections 25/54/59 of the Arms Act.

Learned counsel for the petitioner submits that it is a case of blind murder where the younger brother of the complainant was shot dead during night at bus-stand. Upon coming to know about the same, the complainant went to the spot and got his statement recorded, wherein it is alleged that about 2 days earlier, Gajraj, Joginder and Romit as well as two other boys had threatened to kill his brother in his presence and

also in the presence of Jaipal, Katare, Om Parkash and Bhup Singh. The complainant further alleged that his brother Sandeep, who is confined in Rohini Jail, had also informed him that one Parvesh Mann had also threatened to kill the deceased.

Learned counsel for the petitioner has further submitted that subsequently on 25.09.2020, the complainant named another set of persons/accused namely Anil and Ravi. Learned counsel has further submitted that as per the case of the prosecution the aforesaid Anil and Ravi were arrested on 26.09.2020 and who suffered separate disclosure statements to the effect that Nitin, Devender and Mohit (petitioner) were also involved in the commission of crime. Learned counsel has further submitted that a false FIR has been lodged by the complainant and the falsity of the same would be evident from the fact that initially he had specifically named three persons in the FIR, but subsequently while giving clean chit to the aforesaid three persons, he named another set of two persons and who are alleged to have suffered disclosure statements against petitioner, the admissibility of which would be debatable.

Learned counsel for the petitioner has further submitted that identically situated co-accused namely Devender @ Kala and Nitin @ Anti, who were also nominated on the basis of disclosure statement, have already been granted bail by this Court vide orders dated 3.8.2021 and 19.8.2021, Annexures P-3 and P-4.

Notice of motion for 16.2.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, though the petitioner has joined investigation, but he is not cooperating inasmuch as he is not getting the car used in the occurrence recovered. It has further been informed that the petitioner is, otherwise, not involved in any other case.
4. This Court is of the opinion that the petitioner cannot be forced to get the car, alleged to have been used in the occurrence, recovered. In any case, since the petitioner is stated to have joined investigation and otherwise has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 12.10.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.02.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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