

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43097-2022 (O&M)
Date of Decision:-12.12.2022

Mohit @ Babbu Maan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Punit Malik, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.119, dated 25.2.2022, Police Station Pataudi, Gurugram, under Sections 148, 149, 302, 120-B of Indian Penal Code and Sections 25 (1-B), (a) of Arms Act.
2. The FIR was lodged at the instance of Ajit, wherein it is alleged that he as well as his brothers were into business of running school and liquor vends. It is alleged that on 25.2.2022, when his brother Paramjit Singh was sitting outside the house of Dharambir Lamberdar near Panchayat Ghar, then Ajit, Rohit, Sandeep Goriyawas, Dinesh son of Dharambir, Dinesh @ Ganga Ram, Dharmender Sarpanch accompanied by 4-5 other boys came there on a

motorcycle and Scorpio vehicle and who were carrying pistols and fired at complainant's brother Paramjit and also at Surjit, both of whom succumbed to their injuries.

3. Reply by way of affidavit of Shri Harinder Kumar, HPS, Assistant Commissioner of Police, Pataudi, Gurugram has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the statement of one Ravi Pehlwan, who himself is not named in the FIR and that, in any case, the only role attributed to him is that the weapons of offence after their use were handed over by the petitioner to Ravi Pehlwan.
5. Opposing the petition, learned State counsel has submitted that since the petitioner was part and parcel of the entire conspiracy and the allegations qua him is that he had passed on the weapons of offence after their use to Ravi Pehlwan, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months and stands involved in one more case. It has also been informed that in the present case charges are yet to be framed and that as many as 44 PWs have been cited.
6. Learned State counsel while referring to para No.19 of the reply has submitted that no call-details were found, which could indicate that the petitioner was in touch with the co-accused.
7. This court has considered the rival submissions.

8. Having regard to the fact that the petitioner is not amongst the assailants, who had fired at the deceased Paramjit Singh and Surjit, and has been nominated as an accused on the allegation that he was conspiring with the remaining co-accused and had passed on the weapons of offence after their use to one Ravi Pehlwan and while also noticing that there is no call-details record to establish that the petitioner was in touch with the remaining co-accused, further detention of the petitioner will not serve any useful purpose particularly when the trial has not even commenced and as many as 44 PWs have been cited.
9. 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.

12.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No