

(225) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5687-2023
Date of Decision: 08.02.2023

MOHIT @ BABBU MAAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

This 2nd petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0166 dated 17.06.2021 registered under Sections 147, 149, 323, 365, 379-A of the IPC (Challan presented under Sections 120-B, 148, 149, 323, 365, 341, 342, 379B, 325 IPC) with the Police Station Dujana, District Jhajjar.

2. The brief facts of the case are that one Damanjeet moved an application to the Station House Officer, Police Station Dujana stating that on the previous evening, his brother Manpreet @ Honey had gone to village Surkhpur on a scooty. He was accompanied by Nitin son of Vijay on another bike. There Tarun son of Vijay, Mohit (since granted bail vide order dated 17.01.2023 passed in CRM-M-1146-2023) and eight other boys had come in a black Verna and white Swift Dzire who beat his brother Manpreet @ Honey

and kidnapped him in their Swift Dzire car and also took his scooty with them. This was told to him by Nitin. He had been searching for his brother but could not trace him. Based on these allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Section 379-B of IPC had been deleted and all other offences were triable by the Court of a Magistrate. The petitioner has been in custody since 23.05.2022 and none of the 30 prosecution witnesses had been examined so far. His co-accused namely, Tarun, Rohit alias Mirchi and Sagar have been granted the concession of bail by the Trial Court whereas Manoraj alias Moji, Sunil alias Kukka, Sahil and Mohit son of Bijender Singh of have been granted the concession of regular bail by this Court vide orders dated 14.09.2022 passed in CRM-M-41148-2022, 16.09.2022 passed in CRM-41567-2022, 02.09.2022 passed in CRM-M-38750-2022 and 17.01.2023 passed in CRM-M-1146-2023. There was one other case pending against the petitioner in FIR No.119 dated 25.02.2022 (Annexure P-8) registered under Sections 148, 149, 302, 120-B IPC and Sections 25 (1-B), (a) of Arms Act at Police Station Pataudi, Gurugram in which the petitioner had been granted the concession of regular bail by this Court vide order dated 12.12.2022. Therefore, the further incarceration of the petitioner was not required.

4. On the other hand, the learned State counsel contends that the petitioner ought not to be granted the concession of bail. In fact, Manpreet alias Honey had been beaten up and kidnapped and a few months after the

occurrence had committed suicide as he was being pressurised to repay the loan advanced to him. He thus, contends that the petitioner does not deserve the concession of bail. He, however, does not dispute the period of custody undergone by the petitioner, the stage of Trial as also the fact that the co-accused of the petitioner have been granted the concession of bail. Even, otherwise, a compromise has been effected between the parties as is borne out from the affidavits (Annexures P-5 & P-6).

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has been in custody since 23.05.2022. None of the 30 prosecution witnesses have been examined so far and therefore, the trial is not likely to be concluded in the near future. In such a situation, the further incarceration of the petitioner is not required, moreso, when his co-accused have been granted the concession of regular bail and in the other case registered against the petitioner, he has been granted the concession of regular bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mohit alias Babbu Maan son of Sh. Samunder is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the case mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

08.02.2023

JITESH

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