

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

**CRM-M-6259-2023
DECIDED ON: 10.02.2023**

MOHIT KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.81, dated 02.09.2022, under Sections 365, 34 of the IPC, 1860 (Sections 302, 307, 148, 149, 120-B of the IPC, 1860 were added later on and Section 34 was deleted), registered at Police Station Sadar Pathankot Distt. Pathankot.

Learned counsel for the petitioner contends that the only allegation qua the petitioner is that he made *recce* of the area in advance on a motor cycle alongwith other co-accused. He further contends that there are total 9 accused and inquiry has been conducted by the SP, Investigation, Pathankot.

Learned counsel for the petitioner has further drawn attention of this Court to the fact that the petitioner was categorically recorded to be not found at the place of occurrence on that day. He also asserts that co-accused namely Naresh Thakur, has already been granted bail vide order dated

01.02.2023 (Annexure P-3) passed by this Court in CRM-M-4235-2023.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 5 months and 5 days.

Considering the aforesaid facts and the custody period apart from the fact that the petitioner was specifically found to be not present at the place of occurrence on the alleged day of incident as is evident from a perusal of the inquiry report (Annexure P-2) under the supervision of Superintendent of Police, Investigation, Pathankot and the co-accused namely Naresh Thakur has already been granted the concession of bail, the petitioner is directed to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

10.02.2023

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No