

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-6250-2023 (O & M)****Date of decision: 10.02.2023**

Mohit

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.21 dated 26.03.2019 under Sections 302, 120-B IPC read with Section 34 IPC registered at Police Station Naya Gaon, District SAS Nagar (Mohali), Punjab.

2. The brief facts of the case are that the statement of Usha Rani wife of Manoj Kumar was recorded to the effect that the mother of her nephew-Rakesh Kumar @ Raman had expired and his (Rakesh Kumar's) father usually remained ill. He (deceased) used to visit the house of Kiran daughter of Kishan Singh and sometimes he (deceased) used to visit her (complainant) alongwith his friends Mohit (petitioner), Gota and Ranjit Singh. On 25.03.2019, her nephew told her that he was going to the house of Kiran where his friends Mohit, Gota and Ranjit Singh had arranged a party and he would come back by the evening. However, he did not come back. On 26.03.2019, she (complainant) and her husband Manoj Kumar,

Kumar. They saw that he was lying on the bed in the room smeared with blood and there were sharp weapon injuries on the right side of his neck and he died due to excessive loss of blood. They (complainant side) came to know that some time earlier, Mohit, Gota and Ranjit Singh had hurriedly left the house of Kiran and they had a doubt in their mind that Rakesh Kumar (complainant's nephew) had been murdered by the three with sharp-edged weapons.

Based on the aforesaid information, The present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner is in custody since 27.03.2019 and only 06 of the 25 prosecution witnesses had been examined so far. The co-accused of the petitioner, namely Gaurav @ Gotta and Ranjit Singh have been granted the concession of regular bail vide orders dated 30.11.2022 and 09.01.2023 (Annexures P-6 and P-7 respectively). The case of the petitioner was similar to that of his co-accused, who had been granted the concession of bail. Since the petitioner was in custody since the last almost 04 years, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the deceased was murdered by the petitioner and his co-accused. The manner in which the occurrence took place did not entitle him to the grant of bail. He, however, does not dispute the period of custody undergone by the petitioner as also the fact that his co-accused, namely, Gaurav @ Gotta and Ranjit Singh have been granted the concession of bail vide orders, Annexures P-6 and P-7 respectively.

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

6. Admittedly, the petitioner is in custody since the last almost 04 years. Only 06 of 25 prosecution witnesses have been examined so far. The co-accused of the petitioner namely, Gaurav @ Gotta and Ranjit Singh have been granted the concession of bail by this Court vide orders, Annexures P-6 and P-7 respectively. Therefore, the petitioner deserves the similar concession.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Mohit is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. In addition, the petitioner (or someone 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.

(JASJIT SINGH BEDI)
JUDGE

February 10, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No