

CRM-M-25836-2023

-1-

(298)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25836-2023
Date of Decision: 14.12.2023

MONU @ BHANJA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-10370-2023

VIVEK SEHGAL @ VINAY

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Sharma, Advocate
for the petitioner in CRM-M-25836-2023.

Mr. Anuj Arya, Advocate with
Ms. Dimple, Advocate
for the petitioner in CRM-M-10370-2023.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Sandeep Puri, Advocate
for the complainant in both the connected petitions.

JASJIT SINGH BEDI, J.

CRM-50290-2023 IN CRM-M-10370-2023

The present application has been filed by the applicant-petitioner
for placing on record Annexure A-1.

For the reasons mentioned in the application, the same is
allowed and Annexure A-1 is taken on record.

Main case

This order shall dispose of two petitions bearing No.CRM-M-25836-2023 titled as Monu @ Bhanja Versus State of Haryana and CRM-M-10370-2023 titled as Vivek Sehgal @ Vinay Versus State of Haryana as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-25836-2023.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.560 dated 30.07.2021 registered under Sections 302, 34 of the IPC, 1860, Sections 25/27 of Arms Act, 1959 and (Section 120-B IPC added later on) at Police Station Kharkhoda, District Sonipat.

3. The present FIR came to be registered at the instance of complainant-Chander Parkash son of Devi Dass Kohli who stated that he had came to know that on 30.07.2021 his son Gautam Kohli had been shot dead near Khurampur Village, District Sonipat. He suspected that Manoj Shokin @ Moja son of Ranbir Singh along with his friends had killed his son on account of a financial dispute.

During the course of investigation, the complainant got recorded his supplementary statement stating that one Mukesh Chopra who had earlier been employed in the office of his son Gautam Kohli had informed Manoj Shokin @ Moja about the whereabouts of his son and therefore, Mukesh Chopra had an active hand in the murder of his son Gautam Kohli.

On 01.08.2021, Mukesh Chopra was arrested and stated that he had been promised money by Manoj Shokin @ Moja to inform about the whereabouts of Gautam Kohli. On the day of the occurrence, he (Mukesh

Chopra) had informed about the presence of the deceased upon which Manoj Shokin @ Moja along with his companions including Ravinder alias Bholu and Vivek Sehgal @ Vinay (petitioner in CRM-M-10370-2023) had given him (Mukesh Chopra) Rs.2000/- for the information. Mukesh Chopra got recovered Rs.1200/- and his family members produced his mobile phone which was taken into possession.

Ravinder @ Bholu was arrested in another case bearing FIR No.314 dated 04.08.2021 under Section 25 of Arms Act, Police Station Sadar, Jhajjar. He was arrested in the present case vide production warrants on 06.08.2021. The pistol got recovered by Ravinder @ Bholu in FIR No.314 dated 04.08.2021 under Section 25 of Arms Act, Police Station Sadar, Jhajjar was got transferred in the present case and was taken into possession.

On 11.08.2021, Vivek Sehgal @ Vinay Sehgal was arrested and suffered his disclosure statement that Vikram @ Monu and Monu @ Bhanja (petitioner in CRM-M-25836-2023) had dragged deceased-Gautam Kohli out of the car after which Manoj Shokin @ Moja had fired a gunshot in the chest of the deceased. After that, using the same pistol, he (Vivek Sehgal @ Vinay Sehgal) and Vikram @ Monu had fired at the deceased and then Monu @ Bhanja also fired at the deceased with the very same weapon. Ravinder @ Bholu also fired at the deceased with the country-made pistol. On 10.09.2021, complainant/Chander Parkash presented a complaint on the basis of which his statement under Section 161 Cr.P.C. was recorded wherein, he stated that his son Gautam Kohli was got murdered by Manoj Shokin @ Moja and his wife Antima.

On 14.09.2021, Antima wife of Manoj Shokin @ Moja was arrested.

The report under Section 173 Cr.P.C. was submitted in the Court against Mukesh Chopra, Ravinder @ Bholu, Vivek Sehgal @ Vinay and Antima @ Annu on 25.10.2021.

Manoj Shokin alias Moja and Vikram @ Monu were arrested on 24.12.2021. Vikram @ Monu got recovered the wallet of the deceased containing his Aadhar Card, PAN Card and Driving Licence. He also got recovered the pistol used in the commission of the offence. During the course of investigation, the call detail records established that Vikram @ Monu and Manoj Shokin @ Moja were in contact with each other.

On 27.12.2021, Monu @ Bhanja was arrested in the present case. He also got recorded his disclosure statement explaining the manner in which the occurrence took place. During investigation the records were obtained from AERO Indus Hotel.

The supplementary challan was submitted against Manoj Shokin @ Moja and Vikram @ Monu and Monu @ Bhanja on 03.03.2022.

4. The learned counsels for the petitioners contend that the petitioners are not named in the FIR. Their names figured in the disclosure statement of the arrested accused. Other than the said disclosure statements, there was absolutely no evidence against the petitioners. Pursuant to their arrest, no recoveries had been effected from them. As per the report of the FSL, two weapons were recovered from the co-accused but they did not match the empty cartridges found at the spot. As petitioner-Monu @ Bhanja and petitioner-Vivek Sehgal @ Vinay were in custody since 27.12.2021 and

11.08.2021 respectively and only 21 of the 38 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioners were entitled to the concession of bail.

5. While referring to the replies dated 01.10.2023, the learned counsels for the State and the complainant contend that though the petitioners were not named in the FIR, during the course of investigation, they were joined in investigation and subsequently arrested. They suffered their disclosure statements admitting to have committed the offence along with the main accused Manoj Shokin @ Moja. Looking at the serious allegations against the petitioners, they were not entitled to the concession of bail. They, however, concede that the petitioners were in custody since 27.12.2021 and 11.08.2021 respectively and that only 21 of the 38 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the petitioners.

7. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of Trial. The petitioners are in custody since 27.12.2021 and 13.08.2021 respectively and only 21 of the 38 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on

CRM-M-25836-2023

-6-

their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioners 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 they are not involved in any other crime other than the present case.

10. If the petitioners or their 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 petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each 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 petitioners from the Trial without sufficient cause.

11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.12.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No