

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

CRM-M-34901-2023 (O&M)

Date of Decision: 29.08.2023

Mohit Dhiman

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Hundal, Senior Advocate assisted by
Mr. Premjit Singh Hundal, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 135 dated 24.02.2021, under Sections 120-B, 201, 302 IPC and Section 25 of Arms Act, registered at Police Station Sadar, Karnal.

2. Learned Senior Counsel for the petitioner has submitted that it is a case where an FIR was lodged that one person was found dead without his hands and head and it was a blind murder. The alleged occurrence had taken place on 24.02.2021 and the police investigated the case but nobody was arrested and rather the proceedings under Section 174 Cr.P.C were conducted and even an untrace report was filed. He further submitted that now after a period of about 2 years some secret information was received by the police and further the CIA conducted the investigation and in pursuance

thereof, they arrested three of the other co-accused and thereafter on the disclosure statement of one of the co-accused, the name of the petitioner was nominated and he was arrested. He further submitted that in pursuance thereof and on the basis of his disclosure statement, some demarcation was conducted. Learned Senior Counsel has submitted that the petitioner is not involved in any other case and has clean antecedents and after a period of two years now his name has been nominated based upon disclosure statement of a co-accused who was arrested. He further submitted that now the investigation of the case has been completed and the trial of the case may take long time and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail especially in view of the fact that the entire case is based upon circumstantial evidence and on suspicion only.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and the investigation of the case has been completed and the name of the petitioner has been nominated on the basis of disclosure statement of a co-accused. She also filed an affidavit of Deputy Superintendent of Police (Traffic), Karnal and a copy of the same has already been supplied to the learned Senior Counsel for the petitioner and while referring to the same, she submitted that the petitioner suffered disclosure statement on the basis of which separate demarcation of the place of occurrence was also made.

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

5. It is a case where the occurrence took place on 24.02.2021 but the proceedings under Section 174 Cr.P.C were conducted and thereafter no

further progress in the FIR took place. However, after a period of two years,

on the basis of secret information, three persons were nominated and on the basis of disclosure statement made by the aforesaid nominated persons, the name of the petitioner surfaced in their disclosure statements and further on his disclosure statement some demarcation of the place of occurrence was made. The entire case appears to be based upon circumstantial evidence and the petitioner is stated to be having no criminal background. There is no further recovery which is to be effected from the petitioner as per the learned counsel for the parties and it is not the case of the State counsel that in case the petitioner is released on bail, then he may abscond from justice or may influence any witness. Apart from the above, even a perusal of the affidavit filed by the Deputy Superintendent of Police (Traffic), Karnal would show that no such apprehension has been expressed in the affidavit that in case the petitioner is released on bail, then he may abscond from justice or may influence any witness. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking : Yes/No
Whether reportable : Yes/No