

2023:PHHC:111157

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

213

CRM-M-54069-2022

Date of decision : 24.08.2023

Mohit**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.11 dated 06.01.2022, registered for the offences punishable under Sections 302, 34, 201 and 120-B of IPC and Section 25 of the Arms Act, 1959 at Police Station Shivaji Coloy, District Rohtak.

2. Counsel for the petitioner contends that the petitioner was not named in the FIR. The complainant claims to be an eye witness to the murder of his brother, namely Jagdev. He was explicit to state that he saw Akash @ Gitti s/o Azad and Pankaj Budhwar @ Panku shooting with pistols in their hands. However, that version got improved by him in application dated 11.01.2022, wherein he named the present petitioner alongwith other co-accused claiming that they were doing reiki of their house for almost 01 week prior to the date of incident.

Counsel further submits that apart from the aforesaid improved version

2023:PHHC:111157

of the complainant, there is nothing on record against the petitioner. Challan already stands presented and thus there cannot be any apprehension that the petitioner shall tamper with the evidence in any manner.

3. Learned State counsel however opposes the bail submitting that the petitioner is a habitual offender facing two more cases for heinous crimes and keeping in view that the present case pertains to murder and there are serious allegations, he does not deserve to be released on bail.

4. I have heard counsel for the parties and have gone through the records of the case.

5. In the present case, FIR came into being on the statement made by Rohin to the following effect:

“It is prayed that I Robin s/o Jaipal resident of Village Gochi Hall, Sheetal Nagar, Rohtak. We are three brothers and sisters. My elder brother Jagdev Baumr aged 26 years does the work of BUILDING MATERIAL SUPPLY. We have office in the name of BROTHERS BUILDING on Rohtak Jhajjar Road in front of Jal Ghar and also adjoin it is STOCK. The case which was filed against me for fighting, in that Lokesh @ Gogi resident Sheetal Nagar Rohtak is the litigant. That about 3 months ago, Lokesh @ Gogi murdered brother of Akash @ Gitti at Vaish College, wherein Akash had named me as well. Due to the same enmity, today 06/01/2022 time around 3 o’ clock in the day, my brother and I were present at my office, my brother Jagdev had gone to the adjoining empty plot to fill the hookah, after a while I heard gunshots due to

2023:PHHC:111157

which I immediately came out and saw that Akash @ Gitti son of Azad resident of Janta Colony, Rohtak and Pankaj Budhwar @ Panku resident Sunaria were shooting straight with pistols in their hands. When I exhorted to them they fled away along with their respective pistols sitting in an ECO SUPPORT car. My brother Jagdev died on the spot due to bullet injuries. Due to the black glass of the vehicle, I could not see inside. Their friends could be there in the car with them.”

6. After 05 days of incident on 11.01.2022, an application was moved by Robin son of Jaipal i.e. the complainant before the Station House Officer, Rohtak submitting as under:-

“It is humbly prayed that I, Robin son of Jaipal resident of Village Gochi Hall, Sheetal Nagar, Kohtak. On 06.01.2022 my brother Jagdev s/o Jaipal was shot dead and on the same day, I filed a case in your police station in this regard. That now at my own level, I came to know that Amit @ Mitta resident of Village Bhatana District Sonapat and Akash @ Gitti were the ones to shoot my brother. That day Pankaj was sitting in the car and from about one week, Bunt, Mohit, Ajay and Parveen were searching for me and my brother to kill us. All four of them belong to the village namely Khedi Damkal, District Sonapat. These four persons were also roaming around carrying gun upon having planned and conspired to kill us on the asking of Mitta and Akash. That when I checked the camera footage thoroughly, the car is make Ford Ecosport, white colour bearing No.DL 1 CW 0990. Legal proceedings may kindly be initiated against the aforesaid persons. They seek an opportunity to

2023:PHHC:111157

kill me as well.”

7. Apart from the aforesaid allegations, State counsel admits that there is no incriminating evidence against the petitioner as on date.
8. Without further commenting on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail, keeping in view the incarceration already suffered by the petitioner and the role attributed to him, subject to his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
9. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No