

108 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:099611  
CRM-M-54380-2022  
Date of Decision: August 03, 2023

Mohit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aakash Dalal, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

**DEEPAK GUPTA, J.(Oral)**

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.49, dated 28.03.2019, registered at Police Station Sadar Bahadurgarh, District Jhajjar, under Sections 302, 506, 120-B, 34 of IPC, besides Section 25 of the Arms Act, 1959.

Petitioner is a child in conflict with law. One Satbir was murdered by two motorcycle borne persons. One of them disclosed his name as Monu Pahlwan @ Monu Pardhan. FIR was lodged by Smt. Nirmala wife of the deceased, who is the eye witness of the occurrence.

Contention of learned counsel for the petitioner is that petitioner is not named in the FIR; that his name surfaced in the disclosure statement made in another case and only attribution to him is that he was driving the motorcycle. Learned counsel further contends that petitioner is in custody for the last more than 4 years; that the complainant/eye witness Nirmala during her testimony before the Trial Court has not identified the petitioner and so, in these circumstances, he be allowed bail.

Learned State counsel opposed the bail petition by pointing out that during the custody of the petitioner at Observation Home, he had

escaped from the same; that he is a member of Kala Jatheri Gang, as per

investigation; and that he is involved in other cases also and so looking into all these circumstances, he does not deserve to be granted the benefit of bail.

I have considered submissions of both the sides and have also perused the record carefully.

The attribution to the petitioner is that he was driving the motorcycle, on which the assailants had come. The role of the petitioner is not of firing shots at the deceased. Petitioner is in custody for the last 04 years and 10 days, as per custody certificate placed on record by learned State counsel. The testimony of PW1 Nirmala made before the Trial Court reveals that she was unable to identify the petitioner inasmuch as she simply stated that the person present in the Court appeared to be person who was sitting on motorcycle, but she cannot identify him. Besides, it is informed by learned State counsel that out of 30 prosecution witnesses, only 02 have been examined so far. The trial is likely to take long time to conclude.

Of course, the petitioner is involved in two other cases, as per the custody certificate, but looking into the facts and circumstances as above and the role attributed to the petitioner and his long incarceration, but without commenting anything upon the merits of the case, the petitioner is admitted to regular bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

**August 03, 2023**

sarita

Whether reasoned/speaking: Yes/No

**(DEEPAK GUPTA)**

**JUDGE**

Whether reportable: Yes/No