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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4463 of 2024
Date of Decision: 27.11.2024

Mohit ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
96	13.08.2022	Cantt Ferozepur, District Ferozepur	302, 307, 148 and 149 of IPC and 25 and 27 of Arms Act, 1959

2. As per the prosecution case, the aforementioned FIR was registered on the basis of statement recorded by the complainant Monu alleging therein that on the night of 12.08.2022, he along with his family members was present in his house and was going to sleep, when at about 10:30-11:00 PM, some noises were heard outside. The complainant along

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with his wife Kamini and daughter Vaishnu @ Khushi came out of the house and saw that Isha who was residing in his neighbourhood, was going towards her house along with Harsh and Dev and the present petitioner along with co-accused Karan MJ, Chandu and 3-4 unknown persons who had come on motorcycles had been following them while hurling abuses. With the sight of the complainant, the petitioner and co-accused Karan MJ fired with weapons that they were carrying in their hands, towards Harsh and Dev with an intent to kill them. Isha, Harsh and Dev tried to save themselves while running besides the cot where Khushi daughter of the complainant was sitting and one of the shot fired by co-accused Karan MJ, hit the chest of Khushi due to which she had immediately become unconscious. The complainant raised clamour and then the assailants fled from the spot. The victim was taken to the hospital but she was declared to be brought dead. While alleging that the petitioner along with the co-accused had committed murder of his daughter, the complainant prayed for taking action. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim were conducted. The petitioner was arrested on 06.09.2022. The co-accused were also arrested. Presently, they are facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. As per the allegations, the co-accused Karan MJ had fired a shot with pistol towards Harsh which hit on the chest

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of victim and caused her death. The fatal injury had not been attributed to the petitioner. The co-accused Mayank @ Manu, Chandan @ Chandu and Himanshu @ Happy have been extended benefit of bail. Investigation has completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has vehemently argued that there are specific and serious allegations against the petitioner since he too had fired shots with his pistol in the occurrence. It is to be decided as to which shot had killed the victim. The trial is going on at the proper pace and there is nothing on record to show that there would be any undue delay in conclusion thereof. The case of the co-accused who have been extended benefit of bail is not on the similar footing as that of the present petitioner. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. As per the allegations, the co-accused Karan MJ had fired a shot which had hit the victim and simultaneously the petitioner had also fired a shot with his pistol at the same time. Though it is not revealed from the record that the firearm injury sustained by the victim that caused her death,

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was received from the weapon used by the petitioner, however, still the complicity of the petitioner in the subject crime by being a member of unlawful assembly of the co-accused to commit the subject offence in prosecution of common object thereof cannot be ruled out. He was named in the FIR and was very much part of the assembly which participated in the occurrence and was bent upon killing witnesses Harsh and Dev. The allegations against the petitioner are serious in nature. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

27.11.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No