

(286)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6121-2024
Date of Decision: 13.03.2024

VIKRAM

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Wazir Singh, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition 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.

2. 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 (granted bail vide order dated 14.12.2023 passed 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 (petitioner) and Monu @ Bhanja (granted bail vide order dated 14.12.2023 passed 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. Manoj Shokin @ Moja 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.

3. The learned counsel for the petitioner contend that the petitioner is not named in the FIR. His name figured in the disclosure statement of the arrested accused. Other than the said disclosure statements, there was absolutely no evidence against the petitioner. Pursuant to his arrest, no

recoveries had been effected from him except a wallet containing the Aadhar Card, PAN Card, Driving Licence etc. which apparently has been planted. 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 the petitioner was in custody since 24.12.2021 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 petitioner was entitled to the concession of bail *moreso* when his co-accused Monu @ Bhanja and Vivek Sehgal @ Vinay had been granted the similar concession.

4. On the other hand, the learned counsel for the State and the complainant contend that though the petitioner was not named in the FIR, during the course of investigation, he was joined in investigation and subsequently arrested. He suffered his disclosure statements admitting to have committed the offence along with the main accused Manoj Shokin @ Moja and also got recovered certain articles of the deceased. Looking at the serious allegations against the petitioner, he was not entitled to the concession of bail. They, however, concede that the petitioner was in custody since 24.12.2021, only 21 of the 38 prosecution witnesses had been examined so far and that 2 co-accused had been granted bail.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of Trial. The petitioner is in custody since 24.12.2021 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, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Vikram son of Ramesh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner 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 he is not involved in any other crime other than the present case.

9. If the petitioner or his 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 petitioner (or anyone on his 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 petitioner from the Trial without sufficient cause.

11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.03.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No