



**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-18828-2024**

**Date of Decision:-20.08.2024**

**Mosim.**

.....Petitioner.

Vs.

**State of Haryana.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Rajesh Duhan, Advocate for the Petitioner.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

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**JASJIT SINGH BEDI, J.(ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.230 dated 23.04.2023 under Sections 302, 34 IPC registered at Police Station Old Industrial Panipat.

2. The present FIR came to be registered at the instance of Antram which reads as under:-

*“ Brief facts of the statement is as under:- To SHO, old Industrial Area Panipat, Sir, it is requested that I am Antram S/o Shri Ram Krishan, Village Badhona, Police Station Nawabganj, District Farukhabad, UP, I live on rent in the house of Seema, Purewal Colony. I have three boys. Yesterday, on 22.04.2023, at around 7:45 PM, my son Monu, aged 19 years, had an altercation with a boy named Sunny. My son Monu, R/o of Purewal colony, Panipat and his friend Sachin S/o Kishanpal were coming home from Peepal Mandi at around 9.00 am after purchasing vegetables. On the way, near Shirt Factory, Sunny and his three other friends caught my son Monu and Sachin stabbed my son Monu in the chest, due to which my son fell there, Sachin told us about the incident, then I along with my other family member reached at the spot and I picked up my son and took*



*him to the civil hospital, where the doctor declared my son Monu dead. Legal action should ne taken against Sunny and his associates.  
Sd/- 23.04.2023. "*

3. During the course of investigation Sunny was apprehended who disclosed about the involvement of Armaan and Jitender @ Raj in the commission of the offence. He also got recovered the knife used by him in the occurrence.

Jitender @ Raj was arrested and disclosed the names of Deepak, Sunny and Mosim (petitioner).

4. The Counsel for the petitioner contends that the petitioner is not named in the FIR but has been named only in the disclosure statement of Jitender @ Raj who himself has been named in the disclosure statement of Sunny. Even as per the disclosure statement no specific injury has been attributed to the petitioner. The only injury on the person of the deceased has been attributed to Sunny. As the petitioner was a first time offender, in custody since 30.04.2023 and only 01 of the 24 Pws had been examined so far, the Trial of the present was not likely to be concluded anytime soon and therefore he was entitled to the concession of bail.

4. The learned State counsel on the other hand has filed a reply dated 14.08.2024 by way of affidavit of Mr. Sandeep Kumar, HPS, Deputy Superintendent of Police, HQ, Panipat in the court today, which is taken on record. While referring to the said reply, he contends that the petitioner was not only named in the confessional statement of his co-accused but was identified by the eye witness Sachin at the time of the test identification parade. Therefore, he was not entitled to the concession of bail. He however, concedes that petitioner was a first time offender and that only 01 of the 24 Pws had been examined so far.



5. I have heard the learned counsel for the parties.
6. The culpability of the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 30.04.2023 and only 01 of the 24 Pws has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Mosim** son of Sh. Mohammad Aslam is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
10. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

August 20, 2024  
Vinay

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