



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44214 of 2024
Date of decision: 5th December, 2024

Rohit Monga
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.
Mr. Yoginder S. Rana, Advocate for
Mr. Kushagra Beniwal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 482 BNSS in case FIR No.230 dated 02.06.2024 under Sections 148, 149, 323, 324, 506 (Sections 307 and 326 added later on) of the IPC, registered at Police Station Civil Lines, District Kaithal.
2. On 06.09.2024, while noticing the following submissions made by learned counsel for the parties, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that firstly a perusal of the FIR in question clearly reveals that the petitioner was not named therein nor any specific role attributed to him. Secondly, the petitioner

came to be nominated as an accused on the basis of a statement made under Section 161 Cr.P.C. by injured Mandeep Singh and thereafter a disclosure statement was suffered by co-accused Balram Singh, who also nominated the petitioner as being one of the assailants along with the other named co-accused. Learned counsel has submitted that however the documentary evidence in the shape of the CCTV footage which was retrieved from the place of occurrence reveals that the petitioner is not visible in the same; assuming for the sake of arguments though not conceded, that the petitioner was indeed present along with the assailants, it has been asserted that the second occurrence which took place after 30 minutes of the first alleged quarrel between the parties reveals that in fact it was the complainant party which attacked the accused party. Learned counsel has further submitted that subsequent to the statement under Section 161 of the Cr.P.C. made by the injured Mandeep Singh and co-accused Balram, affidavits had also been given by both of them which have been annexed as Annexures P-2 and P-3 wherein they have categorically stated that the petitioner was not one of those persons who assaulted them outside the hotel.

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At this stage, Mr.Kushagra Beniwal, Advocate has entered appearance on behalf of the complainant and injured and has filed his Vakalatnama. He does not dispute the submissions made by the counsel opposite including the contents of the affidavit which have been annexed as Annexures P-2 and P-3. Learned counsel for the complainant also does not oppose the prayer made by the

counsel opposite for extending the concession of interim bail to the petitioner.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 06.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Dharam Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 06.09.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./Section 482(2) BNSS. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

December 5, 2024
rps

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