

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-61519-2024 (O&M)
Date of Decision:-12.12.2024

Monu Kumar @ Mohit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munfaid Khan, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

FIR No.	Dated	Police Station	Under Section/s
32	22.1.2021	Palla, Faridabad	302, 201, 120-B, 34 of Indian Penal Code and Section 25 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged by Kahkasha Parveen, who is none else but co- accused of the petitioner, wherein it is alleged that on 21.01.2021 at about 7:30 p.m. when she was cooking food in the kitchen, she heard a noise of firearm shot and when she came out in the street, she saw that her husband was lying in front of the shop bleeding from his chest. Although she alongwith her neighbour Dharmender took her husband to hospital, but he was declared dead.
3. It is further the case of prosecution that during the course of investigation, the statement of one Chiranji Lal was recorded, who stated that he is running a "Pan, Biri" shop in front of house of Azaz Khan (deceased) and that wife of



Azaz Khan was in touch with two boys namely Bhima @ Mukesh and Monu Kumar (petitioner) and also with her nephew Pinku, who used to visit her frequently. The aforesaid Chiranji Lal alleged that on 12.01.2021, when he was sitting in his shop. two boys came on a motorcycle and that the motorcycle was being driven by Monu while Bhima @ Mukesh (petitioner) was sitting on the pillion seat and Bhima @ Mukesh fired at Azaz Khan. He further alleged that the aforesaid persons had killed Azaz Khan in connivance with Kahkasha Parveen, wife of the deceased.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner was made an accused solely on the basis of a statement made by Chiranji Lal and that when said Chiranji Lal was examined during the proceedings of trial, he did not support the case of prosecution at all. It has been informed that identically situated co-accused namely Mukesh @ Bhima has already been granted bail by this Court vide order dated 9.8.2024 (Annexure P-2).
5. Opposing the petition, learned State counsel has submitted that since Chiranji Lal is running a shop in front of house of the deceased, where the occurrence had taken place, the first version given by him as recorded in the DDR is actually the correct version, but apparently he has been won over by the petitioner subsequently. It has, however, been informed that the petitioner as on date has been behind bars since the last about 3 years & 10 months and that he is not involved in any other case.
6. This Court has considered the rival submissions addressed before this Court.
7. The petitioner was arrayed as an accused on the basis of statement of Chiranji Lal. Said Chiranji Lal has somehow not supported the case of prosecution and

has resiled. The petitioner has been behind bars for a substantial period of 3 years & 10 months and is not involved in any other case. Conclusion of trial is likely to consume time inasmuch only 5 PWs out of the cited 30 PWs have been examined so far. Identically situated co-accused namely Mukesh @ Bhima has already been granted bail by this Court vide order dated 9.8.2024 (Annexure P-2). Under these circumstances, further detention of the petitioner will not serve any useful purpose.

8.
- The instant petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.12.2024

Geeta

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No