



235 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24260-2024

Date of Decision:08.04.2025

Mohit @ Bunty

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rahul Makkar, Advocate
 for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.120 dated 13.08.2022 registered under Sections 307, 506, 34 of IPC (Sections 201/120-B IPC added later on) and Section 25 of Arms Act, at Police Station Machhroli, District Jhajjar.

2. The FIR in the present case was registered on the basis of the statement made by Dikesh son of Virender Singh and the same has been reproduced below:-

“To Incharge Police Post Subana (Jhajjar) Sir, it is requested that I, Dikesh s/o Virender Singh, is resident of village Girdharpur, District Jhajjar and currently preparing for recruitment. On 12.08.2022 at around 06.00 PM, I and Pradeep s/o Rajkumar and Sonu s/o Ranbir and Sanjeev s/o Sukhbir, residents of Girdharpur and Ravinder @ Sonu s/o Rajender, village Jaitpur, we all of us, were standing at Tumbaheri-Jaitpur road, near a white Swift car bearing No. HR-14S9526. Then three persons namely

Mohit. @ Banti son of Mangtu Ram, village Girdharpur, Rohit son of Jaswant Singh resident of village Bithla and Deepak @ Dhillla son of Rajbir, resident of village Dhakla came on black colour Discover motorcycle bearing No. HR-36M-1455 from the side of village Jaitpur and stopped the motorcycle bearing No. HR-36M-1455 behind our car and they said to Ravinder @ Sonu son of Rajender village Jaitpur that they will make him Sarpanch. On saying this, all three of them fired upon us with the pistol they were holding in their hands with the intention of killing us, which hit on my left leg and Deepak and Sonu were shot in the stomach and Sanjeev s/o Sukhbir and Ravinder @ Sonu s/o Rajender saved somehow. Thereafter, all of three persons left their motorcycle there and fled away towards the fields on foot by giving threats to kill Sanjeev and Ravinder @ Sonu. Then Sanjeev and Ravinder @ Sonu put us in their car and brought us to Oscar Hospital Jhajjar. You are requested to take strictest legal action against Mohit @ Buntty s/o Mangaturam resident Girdharpur and Rohit s/o Jaswant, resident Bithala and Deepak @ Dilla s/o Rajbir village Dhakala. Sd/- DIKESH Applicant Dikesh s/o Virender Singh.”

3. Learned counsel for the petitioner contends that as per the statement of the complainant, no specific role has been attributed to the petitioner and he was wrongly arrested in the present case on 21.08.2022. He further contends that the material witnesses in the present case have already been examined before the trial Court and there are no chances of tampering with the prosecution evidence. Moreover, Hitesh, Rohit and Vijay @ Shutter, all co-accused have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Jhajjar.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner alongwith his co-accused had conspired to commit the present offence. He further contends that the petitioner had fired shots on the injured and the FSL report corroborates the version of the prosecution. He further contends that the petitioner is involved in five more criminal cases including three cases registered under Section 307 IPC.

5. I have heard the learned counsel for the parties and perused the record.

6. No doubt, the allegations levelled against the present petitioner are serious in nature, however, this Court is conscious of the fact that the petitioner is continuing in custody in the present case for the last more than 02 years and 08 months. Moreover, all the material prosecution witnesses have already been examined by the prosecution and the petitioner may not be in a position to tamper with the prosecution evidence. Moreover, the co-accused, namely, Hitesh, Rohit and Vijay @ Shutter have already been admitted to bail by the trial Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
- (viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

08.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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