



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108-2

CRM-M-65520-2025 (O&M)

Date of decision: 07.05.2026

Mohit @ Kala

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rao Ajender Singh, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

Mr. D.P.S. Bajwa, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.306 dated 21.10.2024, registered under Section(s) 103(1), 115, 190, 191 (3) and 61(2) [(Section 238 added later on)] of the Bharatiya Nyaya Sanhita, 2023 at Police Station City Narwana, District Jind.

2. The facts of the present case, in brief, are that the FIR was registered on the statement of Azad Singh father of the deceased Aryan. As per the allegations levelled in the complaint, the deceased Aryan was accompanied by his friends, namely Jasmer Singh and Mandeep, when they were attacked by Rahul Pandit along with his associates and during the course of the said assault, Aryan sustained grievous injuries and subsequently succumbed to the same.

3. Learned counsel appearing on behalf of the petitioner contends that, as per the initial version recorded in the FIR, Rahul Pandit, along with Abhishek @ Billa and 5-6 unidentified persons, was alleged to have assaulted the deceased as well as Jasmer Singh and Mandeep. It is submitted that the allegation against the present petitioner is that he was armed with a danda and had inflicted blows upon the deceased along with the other assailants. Learned counsel, however, submits that the petitioner was not named in the initial version of the occurrence. It is further contended that a supplementary statement of the complainant was subsequently recorded, wherein the complainant stated that, upon making inquiries at his own level, he came to know that the deceased Aryan had been attacked by Rahul Pandit, resident of Ujhana, Abhishek @ Billa, resident of Belarkhan, along with Mohit son of Jogender @ Leela, Ajay @ Bhuria son of Ramesh and Aman son of Jagdish, all residents of Ujhana. It is submitted that even in the aforesaid supplementary statement, the petitioner was not specifically nominated as an accused. It is further argued that, although the occurrence is stated to have been witnessed by Jasmer Singh and Mandeep, neither of them, in their respective statements recorded during investigation, named the present petitioner as one of the assailants involved in the incident

4. Learned counsel appearing on behalf of the petitioner contends that the case now sought to be projected by the prosecution is that the present petitioner, namely Mohit @ Kala, is also known as Abhishek @ Billa. It is submitted that the said version is inherently doubtful and improbable, particularly in view of the fact that the petitioner was a classmate of the injured witnesses and, therefore, it is inconceivable that

they would not have been aware of his correct name and identity. It is further contended that neither in any contemporaneous document nor in the statements of the witnesses recorded during the course of investigation has it been disclosed that the petitioner was also known by the name of Abhishek @ Billa. Learned counsel submits that the petitioner's name is Mohit @ Kala, with "Kala" being merely a surname or nickname, and the attempt to equate him with Abhishek @ Billa is an afterthought introduced during investigation. Learned counsel further argues that a similarly situated co-accused, namely Ajay @ Bhuria son of Rajesh who has been attributed *Lathi* and *Danda* blows has already been granted the concession of regular bail and thus the case of the present petitioner stands on parity with the said co-accused. It is also submitted that the petitioner is a young boy aged about 20 years, having clean antecedents and no previous involvement in any criminal case. Learned counsel contends that the petitioner has remained in custody since 28.10.2024 and that only 6 out of the total 29 prosecution witnesses have been examined thus far, thereby indicating that the trial is likely to take a considerable time to conclude.

5. Learned counsel for respondent-State as well as counsel for the complainant, on the other hand, contend that the petitioner, alongwith the other assailants, had caused injuries not only to the deceased/Aryan but also to Jasmer Singh and Mandeep. It is submitted that the petitioner has been specifically nominated as one of the accused involved in the occurrence. They further contend that the person referred to as Abhishek @ Billa is, in fact, the present petitioner, namely Mohit @ Kala and that the investigation conducted by the police has established the said identity. They further

contend that a wooden stick alongwith a mobile phone has been recovered from the petitioner. The stage of the trial and the period of custody of the petitioner are, however, not disputed by them.

6. Learned State counsel also does not dispute that the fatal injuries in the present case have been attributed to co-accused/Rahul Pandit and that the case of the petitioner is similar to co-accused/Ajay @ Bhuria, who has already been granted the concession of regular bail by the trial Court.

7. Without commenting on the merits of the case and having heard the learned counsel for the parties and taking into consideration the facts and circumstances as noted above, including the nature of allegations levelled against the petitioner, his clean antecedents, his young age of about 20 years, the period of actual custody already undergone by him coupled with the fact that a similarly situated co-accused, namely Ajay @ Bhuria, against whom allegations of causing injuries with a lathi/danda have been attributed, has already been granted the concession of regular bail and further bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

8. Accordingly, the instant petition is **allowed** and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

07.05.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)

JUDGE