



393

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52541-2023
Date of decision:-11.03.2025

MOHIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of an affidavit dated 03.03.2025, of Deputy Superintendent of Police, GRP, Faridabad, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
0117	02.09.2022	302 and 201 of IPC (404 IPC added later on)	GRP Rewari, District GRP Ambala Cantt.

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present



case. He contends that petitioner was not named in the FIR but was nominated during course of investigation on the basis of suspicion. He contends that in inquiry report, cause of death was shown as 'kudarati bimari se' and there was no motive with the petitioner to kill Manoj @ Jai Kumar, and they were not known to each other. He contends that the evidence collected by the Investigating Officer failed to connect the petitioner with the alleged crime as the body of the deceased was fully decomposed and the injuries caused by the petitioner were not on the vital parts of the body. He submits that the whole case of the prosecution is based on the circumstantial evidence. He submits that the petitioner is in custody since 13.09.2022, after completion of investigation challan has already been presented in Court, where in prosecution has cited 20 witnesses and till date only 11 witnesses have been examined, as such, the conclusion of trial will take sufficient long time, hence prayed for grant of regular bail to the petitioner.

5. Per contra, learned State counsel has opposed the bail petition by referring to the reply submitted by the State and contends that during course of investigation call details of the mobile phone of the deceased was analyzed and it was found that SIM No. 7404690437 belongs to one Anita and said Anita joined the investigation and on inquiry, she disclosed that SIM No. 7404690437 was being used by her son-in-law Mohit- present petitioner. Petitioner was arrested and during investigation recovery of mobile phone, ₹1500/- and the brick with which he had murdered the deceased was recovered on his statement. He contends that petitioner has



actively participated in the murder of deceased Manoj @ Jai Kumar. Hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint of Ravinder Singh stating that on 28.08.2022 his brother Manoj @ Jai Kumar dropped him at Alwar and returned back. On 29.08.2022 complainant made a call to his brother but both his mobile phones were switched off, upon which he had called his mother Indira, who had informed that from the mobile phone of Manoj someone had made a call from Railway Station Rewar and said that he will kill Manoj. Thereafter, complainant alongwith his relatives started searching his brother and on 02.09.2022 he came to know that a dead body was lying kept at Civil Hospital, Rewari and he identified the same by the seeing clothes. Hence FIR was registered against unknown persons for the murder of deceased Manoj.

7. It is evident from the reply submitted by the State that the petitioner after murdering the deceased searched the body and had taken away his mobile phone and cash and used the looted mobile with SIM No. 7404690437 and during course of investigation, the mobile phone of the deceased was analyzed and it was found that SIM No. 7404690437 belongs to one Anita and said Anita joined the investigation and on inquiry, she disclosed that SIM No. 7404690437 was being used by her son-in-law Mohit- present petitioner. Consequently, petitioner was arrested on 13.09.2022 and on his statement, recovery of mobile phone, cash and the brick with which he had murdered the deceased was recovered. Therefore,



considering the specific involvement of the petitioner and the nature and gravity of the offence, does not entitle him to concession of regular bail at this stage, as a consequent, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.03.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |