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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-20919-2024 (O&M)  
Date of Decision:25.03.2025

MOHIT SAINI ALIAS CHOTU

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

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

Present : Mr. Lakshay Yadav, Advocate,  
Mr. Gourav Sharma, Advocate,  
Mr. Shrikant, Advocate,  
Mr. Amit Yadav, Advocate,  
Mr. Yashvir Singh Gulia, Advocate,  
Mr. Takshay, Advocate,  
Mr. Gourav Kumar, Advocate,  
Mr. Akshay, Advocate &  
Mr. Ankit Sharma, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 439 of Cr.P.C, with a prayer to grant regular bail to him in case FIR No.0719 dated 06.11.2021, registered under Sections 302, 120-B & 201 of Indian Penal Code (Section 120-B & 201 added later on) Police Station Kharkhoda, District Sonipat.



2. Learned counsel for the petitioner contends that it was a case of the blind murder and no accused was initially named in the FIR. The police arrested Pardeep, co-accused, after several days and on the basis of the disclosure statement suffered by Pardeep, the present petitioner was also arrested by the police on 29.03.2022 and he is in custody since last 03 years. Even as per the case set up by the prosecution, the petitioner had caught hold of the deceased and neck of the deceased was slashed with some sharp edged weapon by Pardeep, main accused. He further contends that in fact as per the prosecution, Rekha was having illicit relations with Pardeep, main accused as well as Satbir, since deceased and the petitioner had no reason to commit the present crime or to hatch a criminal conspiracy with Pardeep, co-accused. Even otherwise, the only role assigned to the petitioner is that he had caught hold of the deceased, while injuries were caused to the deceased by Pardeep, main accused. Learned counsel for the petitioner has relied upon the order Annexure P-5 dated 31.01.2024 passed by this Court, whereby concession of bail has been granted to Rekha, co-accused.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. As per him, only 09 witnesses out of total 28 witnesses have been examined by the prosecution so far. He submits that the petitioner is also involved in two other cases.

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



5. The FIR was initially registered against unknown persons and Pardeep was arrested as one of the main accused in the present case. Later on Pardeep suffered a disclosure statement and stated that the petitioner had also caught hold of the deceased at the time of the occurrence. Still further only 09 witnesses out of total 28 witnesses have been examined so far and the trial is not likely to conclude in near future. Moreover, all the material witnesses have been examined and the official witnesses remained to be examined by the trial Court and the petitioner is not in a position to influence them.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

8. Pending application(s), if any, also stands disposed of.

25.03.2025  
*vipin*

(N.S. SHEKHAWAT)  
JUDGE

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