



CRM-M-30338-2025

-1-

(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30338-2025

Date of Decision: 12.08.2025

MOHIT KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravi Rana, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Anil Kaushik, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.108 dated 11.04.2024 registered under Sections 302, 120-B IPC, 1860 at Police Station Parao Ambala Cantt. District Ambala.

2. The present FIR came to be registered at the instance of Ravi Gupta S/o Gopal Krishan Gupta and the same reads as under:-

“Respected Sir, brief of matter is as :- To the SHO PS Paro Ambala Cantt, Respected Sir, it is submitted that I Ravi Gupta S/o Gopal Krishan Gupta, am resident of H. No.3893 Hill Road, Ambala Cantt. I have three brothers namely Vishal Gupta, Mahesh Gupta and Deepak Gupta. We all are married. We all brothers have business in the name and style of Shree Ram Bazar



CRM-M-30338-2025

-2-

at Ambala Cantt. Today on 10.04.2024 at about 11 am, my brother Mahesh Gupta who is aged about 43 years, has gone by saying to me that Priya is calling to him at her house as she also ordered some Puja material. My brother Mahesh Gupta considered Priya as his younger sister, therefore my brother Mahesh on asking Priya, himself went to her house for giving Puja material. When after passing long time, my brother Mahesh Gupta didn't return to the shop and didn't pick any phone calls made by us on his mobile number, then we all started worrying about him. I, along with my brother Vishal Gupta and friend Manjeet Singh were going to the house of Priya, then activa of my brother Mahesh Gupta was seen parked near house of Priya. We knocked the door of house but no reply came from inside. We started pushing the door strongly, resultantly door got opened. We saw that Priya, Preeti wife of Hemant and Hemant kept my brother Mahesh Gupta lying on floor inside the room. Hemant was dragging my brother by putting chunni around his neck. Priya was hitting something on the head of my brother and Preeti was keeping hold both hands of my brother. My brother Mahesh Gupta was suffering badly. On seeing us, Priya, Hemant and Preeti pushed us aside and ran away from the spot. We firstly took my brother Mahesh Gupta to civil hospital Ambala Cantt where Doctor declared my brother as dead after checkup. Priya, Hemant and Preeti committed murder of my brother Mahesh Gupta for completing there tantrik rituals by calling him on some pretext. It is prayed that strict action kindly be taken against abovesaid persons.SD/- Ravi Gupta.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is not named in the FIR. He has been nominated as an accused as he is the brother of Hemant and Priya (co-accused). Taking the allegations to be true, he is stated to be a

**CRM-M-30338-2025**

-3-

conspirator along with the main accused. As the petitioner is in custody since 12.04.2024 but none of the 24 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. Mr. Anil Kaushik, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney. The same is taken on record. The learned counsel for the State along with the learned counsel for the complainant, on the other hand, contend that the petitioner though is not named in the FIR but he was in conspiracy with the other accused. Therefore, he is not entitled to the concession of bail. They, however, concede that the petitioner is in custody since 12.04.2024 but none of the 24 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 12.04.2024 but none of the 24 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Mohit Kumar S/o Shiv Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.



CRM-M-30338-2025

-4-

8. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.08.2025

JITESH

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