

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-18535 of 2015

Date of Decision: August 18, 2015

Sonu

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.P.S.Deol, Senior Advocate with
Mr.Davinder Bir Singh, Advocate
for the petitioner.

Ms.M.S.Sidhu, Addl. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in FIR No.514 dated 09.08.2014 under
Sections 302, 34, 120-B IPC and Section 25 of the Arms Act,
registered at Police Station City Fatehabad, District Fatehabad.

Notice of motion was issued and learned State counsel
appeared and contested the petition.

I have heard learned counsel for the petitioner as well as
learned State counsel and have gone through the record.

The FIR in the present case has been got registered on
the statement of Bunty. As per him, on 09.08.2014, four persons
came near them and after stopped the motorcycle, one person fired

from the back at his brother Bharat Balmiki with pistol, as a result of which, he fell down and the person who fired, ran away along with his companions on the motorcycle. The person who had fired was identified to be Subhash Nai while the persons accompanying were Nupi Naik, Gharonda Naik and Sonu Arora. The motive for the crime is that Satish @ Chikna had a dispute with Bharat and Satish @ Chikna had also got a case registered against him.

During the investigation, the police came up with new version that in fact Bharat Balmiki used to trouble Vikram and on account of that grudge, Vikram hired Vinod @ Dholia and got his murder committed. The police found that 8 persons namely Gulshan, Ravinder Kumar @ Poppy, Vinod, Neeraj @ Tinda, Manish, Naveen, Anup @ Nupi and Gharonda Naik are responsible for the murder of Bharat Balmiki.

The present petitioner along with one Subhash Nai was summoned by the trial Court under Section 319 Cr.P.C.. The present petitioner was found innocent during the investigation and was not challaned. Learned counsel for the complainant argued that bail application of Subhash Nai was also dismissed by this Court. The bail applications of Anup @ Nupi and Gharonda were also dismissed by this Court.

After going through the record, I find that the case of above-said three accused is on different footing. Anup @ Nupi and Gharonda were not found innocent during the investigation and they were challaned by the police along with other accused. As regarding

Subhash Nai, the complainant alleged that he fired on the deceased, therefore, as per complainant, Subhash Nai is the main accused. As regarding Sonu-present petitioner, there is no active participation in the commission of the offence and it is only stated that on motorcycle four persons were sitting including Sonu.

The petitioner is not required for any interrogation or investigation purposes. Nothing is to be recovered from him as he has been summoned under Section 319 Cr.P.C. by the trial Court. No useful purpose will be served by sending the petitioner to custody. He has already appeared before the trial Court in compliance of the order dated 03.06.2015 passed by this Court and has been released on interim bail.

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details and without expressing any opinion on the merits of the case, I find merit in the present petition and the same is allowed. The order dated 03.06.2015 granting interim bail to the petitioner is made absolute.

August 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE