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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.26427 of 2014
Date of Decision: 09.04.2015**

SONU KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Cheema, Senior Advocate with
Mr. A.S. Cheema, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petitioner is for grant of regular bail in case bearing FIR No.184/2012 dated 18.07.2012, under Sections 147, 148, 149, 452, 302, 307, 436, 323, 332, 353, 427, 114 IPC, P.S. Manesar, District Gurgaon.

[2]. The FIR came to be registered on account of murder of Avneesh Dev, General Manager, HR, Maruti Suzuki India Limited, Manesar, Gurgaon.

[3]. The spat between Jiya Lal, worker and Ramkishore Majhi, Supervisor entailed in suspension of Jiya Lal who ultimately triggered unrest amongst the workers. The workers stopped work and they

formed a mob of 500-600 along with some other unidentified workers started assaulting management people, ransacking, destroying the management property and involved in looting spree.

[4]. A dead body of Avneesh Dev was found from the office. Post Mortem Report revealed shock and asphyxia following ante-mortem thermal burns. Petitioner was arrayed as one of the accused though he was not named among those 55 assailants shown in the prosecution story. Petitioner was arrested on 09.08.2012. Chargesheet was filed against 148 accused including the petitioner. Petitioner was arrayed with the help of Section 120-B IPC.

[5]. Learned Senior counsel for the petitioner contended that the person who named the petitioner is one, whose identity was not disclosed and his statement under Section 161 Cr.P.C., came to be recorded without showing his name. The said witness was cited at serial number 88 of the witnesses. Again stated, the said witness has been examined as PW-27, but in Court the witness has failed to identify the petitioner.

[6]. Learned Senior counsel for the petitioner submitted that co-accused namely Sunil son of Sant Pal and Kanwarjeet Singh son of Badan Singh have already been granted bail by the Hon'ble Supreme Court.

[7]. The petitioner is in custody since 09.08.2012 and there is no likelihood of tampering with prosecution witnesses as 102

prosecution witnesses have already been examined and prosecution evidence stands closed. Even statements of some of accused under Section 313 Cr.P.C. have been recorded.

[8]. Learned Senior counsel further submitted that besides aforesaid Sunil and Kanwarjeet Singh, 21 accused were again admitted to bail by Additional Sessions Judge, Gurgaon vide order dated 17.03.2015 by referring to golden principle and by adhering to orders passed by the superior Courts. Nitish Sharma one of the accused has also been granted regular bail by the Hon'ble Supreme Court vide order dated 23.03.2015.

[9]. On previous date of hearing learned Addl. A.G. Haryana on instructions from SI Ramphal maintained that petitioner is one of the accused who was named in list of 55 accused persons in the FIR. Such assertion was controverted by the side of petitioner.

[10]. Vide order dated 20.03.2015 this Court directed the Investigating Officer to file specific affidavit with regard to exact identity of the petitioner whether he was amongst those 55 accused persons who were named in the FIR or not?

[11]. Today the Investigating Officer has filed affidavit to the effect that petitioner was not amongst those 55 accused persons who were named in the FIR.

[12]. Petitioner seeks parity with the co-accused who have already been granted bail by the Courts.

[13]. Mr. Tiwari, Addl. A.G., Haryana on instructions from SI Ramphal admits the factum of closing of prosecution evidence and recording of statements of co-accused under Section 313 Cr.P.C.

[14]. Looking to the facts and circumstances of the case, I am of the opinion that the petitioner is entitled to bail on parity with others who have already been granted bail.

[15]. Accordingly, this petition is allowed.

[16]. Petitioner is ordered to be released on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

[17]. Nothing expressed hereinabove would be construed to be an opinion on merits of the case in any manner.

April 09, 2015.

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**(RAJ MOHAN SINGH)
JUDGE**