

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

CRM No.M-13981 of 2015 (O&M)

Date of decision:22.01.2016

Sonu @ Siya

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.K. Hooda, Advocate for the petitioner.
Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of regular bail pending trial in case FIR No.213 dated 02.06.2014, under Sections 302/34 IPC, registered at Police Station Sadar Sonapat, District Sonapat.

FIR was registered on the statement of Satpal, liquor contractor. Complainant had stated that Sanjay S/o Hoshiar Singh was working as a Salesman in the liquor vend. On 01.06.2014 in the evening hours, Sanjay was present at the liquor vend. On 02.06.2014, complainant got information that shutter of the liquor vend was open. Upon reaching the liquor vend at about 8.30 AM on 02.06.2016, the complainant is stated to have found the body of Sanjay in a pool of blood. He was also stated to be carrying injury marks on his mouth and head. Complainant stated that unknown persons have committed murder of Sanjay on account of some previous enmity.

It is a case of blind murder.

Apparently, during the course of investigation, the present petitioner along with Arun and Ashish were picked up. Arun, co-accused was declared as a juvenile.

Concededly, the prosecution has implicated the present petitioner solely on the statement of Sandeep S/o Ramesh Kumar i.e. nephew of the deceased, who is stated to have suffered a statement before the Investigating Agency that deceased Sanjay has been last seen with the accused/petitioner.

Sandeep, who was a material witness in the present case has already been examined before the trial Court as PW7. He has not supported the prosecution version and has been declared hostile. Even Arun, co-accused and who had been declared as juvenile has been acquitted by the Juvenile Justice Board, Sonapat on 19.09.2015 primarily on account of Sandeep having not supported the prosecution case.

On a specific query having been put to learned State counsel, apart from the statement recorded of Sandeep during the course of investigation, no other incriminating material has been pointed out.

Petitioner has been in custody since 06.06.2014.

In view of the above, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Sonapat.

It is made clear that the observations made in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

22.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**