

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

**CRM-M No.40297 of 2015 (O&M)
Date of Decision: 09.02.2016**

Sumit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.S.Sullar, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by S.I. Baljeet Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.140 dated 21.03.2014, under Sections 302/34, 216, 120-B of the Indian Penal Code and Section 25 of the Arms Act, registered with Police Station Kharkhoda Sonapat, District Sonapat.

As per the eye-witness account of the complainant-Kamlesh, her son-Surender was shot dead by the co-accused/non-applicant-Manoj @ Monu accompanied by his co-accused/non-applicant-Sombir @ Sonu on 20.03.2014 at about 04:30 PM in front of a shop.

The name of the petitioner has surfaced as a conspirator on the statement under Section 161 Cr.P.C. of the *Chacha* of the deceased, namely, Krishan, after 27 days of the occurrence.

The explanation is that he on his truck had gone to Assam and on return from there, gave a statement as earlier he could not disclose the same to any other person.

It is contended that except the aforesaid statement of Krishan after 27 days showing the alleged complicity, there is no material on record against the petitioner.

The petitioner is stated to be in custody since 05.06.2015.

Learned Counsel for the petitioner further submits that both the eye-witnesses i.e. the mother/complainant-Kamlesh and the *Chachi*-Saroj of the deceased have since been examined as PW-1 and PW-5 respectively.

Learned State Counsel, assisted by S.I. Baljeet Singh, is unable to refute the factual position regarding the custody period, as also the material collected against the present petitioner.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 09, 2016
Gagan

(JASWANT SINGH)
JUDGE