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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28550-2017 (O&M)
Date of decision: - 11.8.2017

Sudam

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail in case FIR No. 154 dated 9.5.2016 under Sections 302, 307, 34, 120-B IPC registered at Police Station Sadar Sonapat, District Sonapat.

Learned counsel for the petitioner submits that fire army injury is attributed to co-accused Ajay @ Kannu and during the investigation, fire arm was recovered from him. He further submits that petitioner has been apprehended by the police on the basis of the disclosure statement made by the co-accused. The petitioner has already undergone 1 year and 2 months of sentence. He further submits that co-accused/Manoj of the present petitioner has been granted the concession of regular bail in CRM-M-19297-2017 on 19.7.2017 by passing the following orders: -

“Learned counsel for the petitioner submits that as per the FIR registered by complainant- Ram Kumar son of Amar Lal, he received a telephonic call from his younger son-Sunil that he came in marriage in village Jhari. Ajay @ Kannu son of Anand along with his friends came on his motorcycle and fired shot on him as well as on Varinder s/o Rajbir (deceased). It is further submitted that during the pendency of the

investigation, the fire arm was recovered from Ajay @ Kannu. The petitioner was apprehended by the police on the basis of the call details of Varinder and Sunil. It is further submitted that except his disclosure statement, there is no other evidence on record to connect the petitioner with the alleged occurrence. Custody certificate filed in Court today is taken on record. As per custody certificate, the petitioner has already undergone about 01 year and 20 days.

Considering the fact that the evidence in the trial is yet to be started and the petitioner has undergone more than one year of custody, without commenting on the merits of the case, the present petition is allowed. Petitioner be enlarged on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Sonapat.

However, it is made clear that in case during the pendency of the petition, the petitioner is involved in any other case, it will be open for the prosecution to apply for cancellation of bail.

Disposed of.”

Learned State counsel has not disputed the custody but has opposed the bail application.

In view of above and without commenting upon the merits of the case, present petition is allowed. Petitioner be enlarged on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Sonapat.

However, it is made clear that in case during the pendency of the petitioner, petitioner is involved in any other case, it will be open for the prosecution to apply for cancellation of bail.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

11.8.2017
preeti

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No