

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

**CRM-M-16367-2018 (O&M)**

**Date of decision: 26.04.2018**

Kunal @ Sonu

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

...

**TEJINDER SINGH DHINDSA, J. (ORAL).**

Petitioner seeks benefit of regular bail pending trial in case FIR No.261, dated 01.06.2017, under Sections 302/34 IPC and Sections 25 of the Arms Act, registered at Police Station Sampla, District Rohtak.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Naveen in relation to an occurrence that took place on the intervening night of 31.05.2017 and 01.06.2017. Complainant's version is that he along with his cousin, namely, Swaran Kumar and 2/3 other persons were working in a factory and were living on rent in a house belonging to Ganga Ram. At about 10/11 P.M. while Swaran Kumar was washing utensils, sound of firing was heard and Swaran Kumar rushed inside the room followed by one tall and strong person and who was firing from a pistol. Swaran Kumar was shot at and died of a bullet injury. The person, who had fired is stated to have made good his escape in a white coloured car which was standing outside along with another unnamed assailant.

FIR was registered against unknown persons and the complainant did not voice any motive/suspicion.

Apparently, during the course of investigation, Mahesh son of Sunder Singh was implicated on the role of having fired at the deceased. As per prosecution version, the present petitioner was the person who was in the car that was standing outside and in which Mahesh had escaped.

Petitioner was arrested on 03.07.2017.

Challan qua the petitioner has been duly presented and charges have also been framed.

Counsel representing the petitioner during the course of arguments has adverted to the deposition recorded of the complainant i.e. Naveen Kumar, PW3 as also an eye witness, namely, Shiv Sada, PW2 and who have not supported the prosecution version. Rather PW3, Naveen Kumar in his cross-examination has deposed that the petitioner was not even one of the person who had fled away in the car after the commission of the offence.

It is also the admitted position of fact that co-accused Mahesh having evaded the process of law, proclamation proceedings were initiated but he has since been arrested. Challan qua Mahesh is yet to be filed.

Upon challan being presented qua Mahesh, trial would start *de novo*.

Learned State counsel upon instructions from ASI Subhash submits that the weapon in question has been recovered from co-accused Mahesh.

In the totality of circumstances and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of trial

Court/Duty Magistrate, concerned.

Disposed of.

**26.04.2018**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**

- |     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |