

CRM-M-21587-2018

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

CRM-M-21587-2018

Date of Decision: 25th May, 2018

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kanwarbir Singh Sidhu, Advocate,
for the petitioner.

Mr. Sharad K. Yadav, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.114, dated 12.05.2017, registered at Police Station Israna, District Panipat, under Sections 307, 34 of the Indian Penal Code (lateron added Sections 302 & 201 of Indian Penal Code).

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 14.05.2017 and since then, he is in custody. He states that as per the allegations in the FIR, deceased Prince @ Bunty along with three other persons went away from home in auto rickshaw of the petitioner for taking bath in canal. On the canal bridge, they consumed liquor and meat etc. and thereafter, started taking bath in the canal. Deceased-Prince did not know how to swim and therefore, was told by the

others to hold the rope while taking bath but he drowned in the canal. After that, all other came back from the canal but did not inform the family members or anyone else about the fact that Prince had drowned in canal. Counsel contends that co-accused of the petitioner, namely, Vinod Kumar has been granted the benefit of regular bail by this Court vide order dated 15.05.2018, passed in CRM-M-19850-2018, titled as 'Vinod Vs. State of Haryana'. Counsel states that the trial is not likely to conclude in near future as none of the prosecution witnesses has been examined till date and therefore, petitioner be granted the benefit of regular bail during the pendency of the trial.

Counsel for the State, on instructions from ASI Surjeet Singh, P.S. Israna, District Panipat, could not dispute the factual assertions made by the counsel for the petitioner. He, however, states that the auto rickshaw was of the petitioner, which was used for going to the canal and it is thereafter, the other came back along with the petitioner and had not informed the family members about the drowning. He, therefore, prays that the petitioner be not granted the benefit of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the allegations against the petitioner as also the facts that none of the 18 prosecution witnesses has been examined till date, petitioner is in custody for more than one year and trial is not likely to conclude in near future, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

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Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

25th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No