

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

Crl. Misc. No.M-22327 of 2018

Date of Decision: 06.07.2018

Sonu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. A.P.S. Deol, Sr. Advocate
with Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Kiran Pal Singh, A.A.G., Haryana.

Mr. Tejinder Pal Singh, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed by petitioner-Sonu under Section 439 Cr.P.C for grant of regular bail in case FIR No.27 dated 19.09.2016 registered under Sections 148, 149, 302, 364, 506 IPC and Section 25 of the Arms Act at Police Station Sanoli, District Panipat during pendency of the trial.

Learned senior counsel for the petitioner submits that the petitioner has been implicated in the case on the basis of general allegations and no specific role has been attributed to him. The petitioner was arrested in the case on 22.09.2016. As per allegations levelled in the FIR, the petitioner has been shown to have a country made pistol but that has not been used. No opinion was sought from the Medical Officer as to whether any of the injuries described in the postmortem report was the result of use

of pistol or not. Learned senior counsel further submits that on perusal of injuries mentioned in the postmortem report, it appears that there was no fire arm injury on the person of deceased Anil @ Rinku, which was caused with country made pistol recovered from the petitioner. Learned counsel also submits that co-accused of the petitioner has approached this Court by way of filing ***CRM-M No.16371 of 2018*** and he has been released on regular bail by holding that all material witnesses have been examined. The petitioner has undergone approximately one year and ten months of sentence and by claiming parity, he becomes entitled for regular bail.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner but does not dispute the custody period and grant of regular bail to co-accused-Sompal.

Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner not only on the ground of seriousness of offence but keeping in view the role attributed to the petitioner. He submits that the petitioner is not entitled for bail on the ground of parity as his role is different.

Heard the argument of learned counsel for the parties and have also gone through the contents of the FIR.

Admittedly, all the material witnesses have been examined and the petitioner has undergone custody of more than one year and ten months. Only the official witnesses remains to be examined. The trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars. Moreover, co-accused of the petitioner has been released on regular bail and there is no other case pending against the petitioner. The petitioner undertakes to appear before the trial Court

regularly or to abide by all the terms and conditions to be imposed by this Court or by the trial Court.

Accordingly, the present petition is allowed and petitioner, namely, Sonu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

06.07.2018	(DAYA CHAUDHARY)
gurpreet	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No