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

**CRM-M No.24022 of 2017
Date of Decision: 25.01.2018**

Surender @ Sonu

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.S. Malik, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.428 dated 26.10.2016 registered under Sections 120-B/302/34 IPC and Sections 25/54/59 of the Arms Act at Police Station Sadar, Sonapat.

FIR was registered at the instance of Surjit with the allegations that on 26.10.2016, his son Narender along with Mandeep and Pradeep were going to Sonapat on a motorcycle. His son Narender was driving the motorcycle, whereas Mandeep and Pradeep were pillion riders. Complainant was following them on a separate motorcycle. After covering some

distance, two boys came on a motorcycle from behind with muffled faces and brought their motorcycle near the motorcycle of Narender. They fired upon Narender and then fled away from the spot. Ultimately, Narender succumbed to injury. Complainant alleged that about 7-8 months prior to the occurrence, there was a quarrel between Narender and father of Ravinder. Complainant lodged the FIR against unknown persons who came on motorcycle and fired upon Narender. Thereafter on 27.10.2016, complainant got recorded his supplementary statement, implicating Ravinder son of Jai Narain with the allegations that there was altercation with his son Narender and father of Ravinder some time back and complainant met the police in the police station and deposed that 15 days ago, Rajiv @ Raja had asked either to cut your hands and legs, otherwise you will be killed as you had inflicted injuries to father of Ravinder. The said fact was disclosed by son of the complainant to him. He further alleged that on 26.10.2016, Rajiv @ Raja while passing through near his house, had asked him that he had killed Narender and now the complainant would be killed. With these allegations, supplementary statement was got recorded by the complainant. While appearing in the Court as PW 1, complainant further deposed that about 2 months after the incident, he had stated before the police that Surender @ Sonu (petitioner) was also involved in the murder of his son as

he had given information regarding moments of his son to the main accused. Petitioner was implicated with the aid of Section 120-B IPC. The bail of the petitioner was declined primarily on the ground that he was involved in five other cases of serious nature in addition to the present case and he was involved in doing raki in the present case.

The prayer has been opposed by the learned State Counsel by producing status of seven other cases.

Perusal of the status would show that out of total seven cases, other than the present one, in five cases, petitioner has been acquitted. In remaining two cases i.e in FIR No.55 dated 18.01.2012 registered under Sections 212/223/224/143/144/451 IPC and Section 3 PDP Act at Police station City Sonapat, trial is pending and in FIR No.270 dated 18.07.2014 registered under Section 20 of the NDPS Act and Sections 420/120-B IPC at Police Station City Sonapat, trial is pending before the Court. In both the aforesaid cases, the petitioner is on bail. Admittedly, petitioner is in custody since 23.01.2017,

Keeping in view the involvement of the petitioner as per statement of PW 1, the issue would remain debatable as to the complicity of the petitioner on the basis of his alleged involvement after two months of the alleged occurrence dated 26.10.2016 in which supplementary statement was also made

against the accused on 27.10.2016 in which there was no such complicity shown by the complainant.

At this juncture, without forming any opinion on the ultimate merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 25, 2018.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No