

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24937 of 2017
Date of decision : August 28, 2018

Sunil

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms. Deepshikha Chauhan, Advocate, for the petitioner
Mr. Siddarth Sanwaria, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against present petitioner Sunil son of Rajbir (referred to as Sunil son of Suan Kalan) are that on 24.4.2015 around 6.00 PM, a fight took place between complainant Rakesh Kumar and others with accused side comprising of the petitioner and others. It is alleged that accused Jagdish had killed Ishwar Singh by means of a pistol whereas his co-accused non-applicant Anil also shot at the deceased. The role assigned to the petitioner is that he was empty handed and has raised lalkara. The petitioner during the course of investigations was arrested on 26.4.2018.

The contentions of the petitioner's counsel Ms. Deepshikha Chauhan are that the petitioner is behind the bars for more than 3 years and 4 months and that the petitioner is not attributed any specific role and was

unarmed and that he has already undergone substantial incarceration and the trial is not likely to be concluded in the near future.

Mr. Sanwaria though has not disputed the factual scenario and has accepted the period of incarceration but has sought to oppose the grant of bail on the grounds that the petitioner along with his co-accused were instrumental in death of one person by means of fire arm and if allowed bail, would influence the witnesses.

Appreciating the submissions, keeping in view that no specific role is attributed to the petitioner except having raised lalkara and has also undergone imprisonment for more than 3 years and 4 months and the fact that the trial is not likely to be concluded in near future, culpability if any, shall be determined at the time of trial. In view of the same, it would be traversity of justice to keep the petitioner further behind the bars. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

August 28, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No