

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

**Criminal Misc. No. M-27757 of 2018
Date of decision: 14.09.2018**

Sonu

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Sonu under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.477 dated 30.09.2017 registered under Section 304 read with Section 34 IPC (later on converted to Section 302 IPC) at Police Station Rai, District Sonapat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no connecting evidence is there against him. The entire case of the prosecution is based on circumstantial evidence and the same has not been witnessed by any person. No incriminating evidence has been collected except the bald statement of the complainant. Even as per statement of the complainant, the involvement of the petitioner appears to be suspicious. It has come in the statement of the complainant that he is witness in 8/9 criminal cases lodged at Police Station Rai. The petitioner is in custody since 01.10.2017 and out of total 18 witnesses, only two witnesses i.e., complainant and brother of deceased,

have been examined. The trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel on instructions from ASI Ramesh Kumar has not disputed the custody period as well as recording of statement of two material witnesses. Learned State counsel also submits that no other case is pending against the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Nothing has come in the statement of complainant and brother of deceased to show as to how the petitioner has been connected with the alleged offence. The petitioner is in custody since 01.10.2017 and the trial may take time to conclude. No purpose would be served by keeping the petitioner in custody.

Accordingly, by considering the facts as mentioned above, the present petition is allowed and the petitioner (Sonu) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

14.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes