

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

**Crl. Misc. No.M-27949 of 2018 (O&M)
Date of Decision: July 12, 2018**

Sahil @ Sunny

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ravi Chawla, Advocate with
Mr. Sachin Jain, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 614 dated 14.11.2017 registered for the offences punishable under Sections 302 of Indian Penal Code and 25 of Arms Act, at Police Station Rohtak Civil Lines, District Rohtak.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, D.A.G. Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner has argued that petitioner is

not named in the FIR and has been nominated in this case on the disclosure statement of co-accused. Even as per disclosure statement, he was not present at the spot at the time of occurrence.

Learned State counsel submits that there was dispute of co-accused Rahul with Virender over the loan of ₹2,60,000/- taken by him. Virender had not returned that money and Rahul planned to shot him dead. In his plan, he took assistance of petitioner, who accompanied him and went to the coaching centre of deceased Virender. After doing *Reiki* and taking 3/4 rounds of coaching centre, they reached in front of the Court. Petitioner alighted from the car before Virender was shot by Rahul. He again boarded the car after the incident. This shows that the petitioner was accomplice of Rahul and was his associate in the entire crime.

From the allegations and disclosure statement of Rahul, petitioner was with Rahul before commission of crime and after commission of crime but he was not with Rahul when he had killed Virender. Even learned Additional Sessions Judge, Rohtak while discussing the bail application of the petitioner, observed that petitioner had not acted in furtherance of common intention of co-accused Rahul so as to attract provisions of Section 34 IPC.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Sahil @ Sunny is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without prior permission of the Court.

July 12, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***