

CRM-M-3107-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3107-2018

Date of Decision: 30th January, 2018

Sunil @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Jitender Malik, Advocate
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

Mr. Rakesh Nagpal, Advocate
for the complainant.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.217, dated 13.06.2017, registered at Police Station Sadar Tohana, District Fatehabad, under Sections 302, 307, 148, 120-B, 149, 323, 341, 447 and 325 of the Indian Penal Code alongwith Section 25/54 and 27/59 of Arms Act.

Counsel for the petitioner submits that as per the allegations in the FIR, the petitioner is shown to be a part of unlawful assembly and has conspired alongwith others to attack and kill two persons in the fight. He

CRM-M-3107-2018

contends that as per the allegations, the petitioner was armed with a *danda* alongwith many other persons, who were also armed with same weapons and had given injuries. He contends that the petitioner is in custody since 14.06.2017 and after framing of charge, the case is pending for recording the statements of prosecution witnesses.

On the other hand, counsel for the State, on instructions from SI Pushpender Singh, P.S. Sadar Tohana, District Farehabad, states that the petitioner was one of the persons, who are involved in giving injuries to the person of deceased and injured. Recovery of *danda* has been made from the petitioner. He, however, could not dispute the fact that no prosecution witness has been examined till date, although charge has been framed recently.

Counsel for the complainant also asserts that the petitioner was one of the persons, who had in conspiracy and participate in the commission of the heinous crime and therefore, he should not be granted the benefit of regular bail.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that no specific role has been attributed to the petitioner nor any specific injury to either deceased or the injured, petitioner, who is stated to be armed with a *danda* and out of 32 accused persons, 5 have already been granted the concession of bail, he is in custody for the last more than 7 months and the charges have already been framed and the trial is not likely to conclude soon as there are total 34 prosecution witnesses and none of them is examined, the present petition is allowed. The

CRM-M-3107-2018

petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Tohana.

30th January, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No