

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

CRM-M-32955 of 2017

Date of Decision: 25.04.2018

Sandeep @ Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Robin Singh, Advocate for
Mr. Ramesh Kumar, Advocate, for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.92 dated 23.03.2016 registered under Sections 302, 120-B, 506 and 34 of the Indian Penal Code and Sections 25, 54 and 59 of the Arms Act at Police Station Sadar Sonapat, District Sonapat.

It is contended by learned counsel for the petitioner that neither the petitioner is named in the FIR; nor any recovery has been effected from him; rather he was nominated as an accused on the basis of the disclosure statement of co-accused Parveen and Virender on 31.03.2016 and since then he is in custody. It is further contended that complainant-Naveen as well as Sunil-auto driver (PW3 and PW4) respectively have not supported the prosecution case and they have specifically stated during their examination that the petitioner was not

present at the place of occurrence.

The above factual position is duly acknowledged by learned State counsel on instructions from ASI Suresh Kumar.

Heard learned counsel for the parties and perused the paper book.

Keeping in view of the fact that the petitioner was neither named in the FIR; nor any incriminating material has been recovered from him. Even two material witnesses i.e. PW3-Naveen and Sunil-PW4 have not supported the prosecution case. The trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Sandeep @ Sonu be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

Learned trial Court is requested to expedite the trial.

It is made clear that petitioner will fully co-operate with the trial and shall not seek any unnecessary adjournment.

April 25, 2018

rashmi

Whether speaking/reasoned
Whether reportable?

[MAHABIR SINGH SINDHU]
JUDGE

yes/no
yes/no