

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42783-2018 (O&M)

Date of decision: 03.12.2018

Sumit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ramnish Puri Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

CRM-34369-2018

Allowed as prayed for.

CRM-M-42783-2018

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Sumit, in case FIR No. 0090 dated 20.04.2017 registered under Sections 302, 449, 120-B read with Section 34 IPC and Section 25 of the Arms Act at Police Station Gohana Sadar, District Sonapat.

According to the prosecution, in the morning of 20.04.2017 7-8 boys came on 2-3 motor cycles armed with deadly weapons, entered the house of brother of complainant-Parveen and fired on his head, chest and stomach. As a result thereof, brother of complainant-Parveen

succumbed to his fire arm injuries.

Learned counsel for the petitioner *inter alia* contends that there is no eye-witness account of the alleged occurrence. Petitioner was not identified or apprehended at the spot. The material witness examined by the prosecution turned hostile. Petitioner is in custody since 01.05.2017. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining her in jail. Co-accused, of the petitioner, namely; Sneh @ Tinku @ Tunda, has already been enlarged on bail by this Court vide order dated 20.09.2018 (Annexure P-9) of this Court passed in CRM-M-34808-2018. Thus, treating the case of the petitioner on the same parity, he may be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Sumit, is ordered to be released on bail pending trial, treating his case on the same parity as that of his co-accused, namely; Sneh @ Tinku @ Tunda, on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

December 03, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No