

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

**CRM-M-44643 of 2017 (O&M)
Date of Decision: February 28, 2018**

Sonu @ Billu @ Bijender

...Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. V.K. Gupta, Advocate
for the petitioner.

Mr. P.K. Jangra, Addl. A.G. Haryana.

FATEH DEEP SINGH, J.

Superintendent of Police, Karnal has come present along with Inspector Rajiv Kumar and has apologised for the lapse and assured that in future no lapse would be committed. The officer is discharged for the time being.

The allegations against the petitioner in this third regular bail application under Section 439 Cr.P.C are that on 8.6.2016 complainant Bhuwan Kalayan was going to his house in his Swift Dezire car bearing No.HR-30-G-0016 and at around 8.30 a.m he was stopped near Muruthal by Innova Car and out of which two boys came out and after scuffling with him had placed mouser on the complainant and took away his car and subsequently during the course of investigations on the disclosure statement of Ashok @ Shoki name of the petitioner has been cropped up.

Learned counsel for the petitioner contended that nothing has been recovered at the behest of the petitioner, who is in custody since 9.7.2016 and that trial is not likely to be concluded in near future.

Learned State counsel has opposed the grant of bail to the petitioner on the grounds of heinousness of offence and seriousness of allegations and the fact that petitioner has been subsequently identified and if allowed bail the petitioner would influence the witnesses.

Appreciating the submissions, as is contended by learned counsel for the petitioner similarly placed co-accused Neeraj has been allowed bail by this Court vide orders dated 24.01.2018, copy of which has been placed on record. Together with the fact that petitioner has already undergone substantial incarceration and that debatable issue having arisen as to the acceptability and admissibility of the statement of co-accused by which the petitioner has been roped in and that the trial is not likely to be concluded in near future and culpability, if any, shall be determined at the time of trial and no useful purpose would be served by keeping the petitioner behind the bars, thus without adverting on to the merits of the case, the petition stands allowed. Petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

(FATEH DEEP SINGH)
JUDGE

February 28, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No