

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

**CRM-M-46332-2018
Date of decision: 21.11.2018**

Sumit alias Mota

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 42 dated 19.01.2018, registered under Sections 148, 149, 302 and 506 of the IPC (Sections 216 and 120-B of the IPC added later on) at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and as per the FIR, when the complainant along with her husband Kanwar Bhan was going on motorcycle on 18.01.2018, at about 10:15 AM, Ankur, Sandeep, Rohit, Neeraj and Joginder came in a white color Swift car bearing registration number HR-60-E-1949 and caused injuries to the husband of the complainant, namely Kanwar Bhan, who died later on.

Learned counsel for the petitioner further submits that thereafter, the name of the petitioner surfaced in the disclosure statement of Sandeep, brother of Ankur with whom, as per the allegations in the FIR,

deceased Kanwar Bhan was having a dispute and as per the disclosure statement, the petitioner had done a recce and after the injuries were caused to deceased Kanwar Bhan, Sandeep along with petitioner ran away from the spot.

Learned counsel for the petitioner further submits that as per the version given in the FIR by the eye-witness, there is no mention of any motorcycle used by accused person and no motive is attributed to the petitioner. It is further submitted that the investigation is complete and challan has been presented and the only evidence against the petitioner is the disclosure statement of accused Sandeep.

Learned State counsel, on instructions from ASI Satish Kumar, could not dispute the factual position as submitted by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of learned counsel for the petitioner; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 21, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No