

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47021-2018 (O&M)

Date of Decision:- 15.12.2018

Sunny

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Jasneet Mehra, Advocate for
Mr. Amrainder Singh, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of regular bail in case registered vide FIR No.406, dated 06.04.2017, registered at Police Station City Panipat, District Panipat, under Sections 365, 302, 201 read with Section 34 of Indian Penal Code, 1860 and Sections 25, 54, 59 of Arms Act.

The FIR was registered at the instance of Harish Kumar wherein he alleged that he owns car bearing registration No.HR-06AA-1607 and had employed Ram Kumar as his driver and that on 05.04.2017 his driver had gone to Delhi Airport to drop one of his acquaintance and while he was returning back he was followed by a car belonging to the brother of the complainant which was driven by his brother's driver namely Satish Kumar.

It is alleged that while Satish Kumar returned back home, Ram Kumar did not return back and although he tried to look for him but he could not be traced. It is case of the prosecution that subsequently present petitioner who had been arrested in connection with FIR No.306 dated 07.04.2017 under Sections 398, 401 of Indian Penal Code, 1860 and Sections 25, 54, 59 of Arms Act, Police Station Sadar Karnal made a disclosure statement regarding his having murdered Ram Kumar.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the entire case which is based on circumstantial evidence is in fact based solely on the disclosure statement allegedly made by petitioner while in custody in another case, in which he already stands acquitted.

During the course of arguments, learned State counsel has informed that the petitioner is involved in other cases. However, learned counsel for the petitioner has furnished a copy of judgment dated 20.11.2018 passed by learned Additional Sessions Judge, Karnal wherein the petitioner has been acquitted in a case arising out of FIR No.162, dated 20.2.2017, registered at Police Station Sadar, Karnal, under Sections 307, 324, 341, 379-A, 392, 397 and 34 of IPC. Learned counsel for the petitioner has also informed that in fact the petitioner also stands acquitted in FIR No.306 dated 07.04.2017 under Sections 398, 401 of Indian Penal Code, 1860 and Sections 25, 54, 59 of Arms Act, Police Station Sadar Karnal.

Having heard learned counsel for the petitioner and also the State counsel and also bearing in mind the fact that the instant case is mainly based upon circumstantial evidence and that the petitioner has been in custody since the last one year and eight months and also that as of now only

ten witnesses out of twenty six witnesses have been examined, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as the conclusion of trial, in its normal course, is likely to take some time. Accordingly, petitioner-Sunny is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

December 15, 2018
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(GURVINDER SINGH GILL)
JUDGE

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