

S.No.214

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

CRM-M-4655 of 2019 (O&M)

Date of Decision:11.07.2019

Sunil @ Pohli

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. M.D. Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.116 dated 04.02.2018 registered under Sections 302, 120-B, 34 IPC and 25 of Arms Act at Police Station, Hissar City, District Hissar.

It is submitted by counsel for the petitioner that case against the petitioner is totally concocted. Even as per the case of the prosecution, the petitioner is not alleged to have participated in the actual act of murder of the deceased. His participation is alleged only in the conspiracy, for facilitating the assailants in running away from the spot on a motor-cycle; allegedly driven by the petitioner. However, even to substantiate this allegation, there is absolutely no evidence on the file of the Police or led before the Court so far. Another evidence relied upon by the prosecution against the petitioner is the alleged statement of the owner of the motor-cycle, allegedly saying that his motor-cycle was taken away by co-accused Gulshan and that the said motor-cycle has been used in murder of the deceased. Therefore, even the owner of the motor-cycle has not named the petitioner as having borrowed the motor-cycle. Still further, it is submitted that the petitioner is in custody since February, 2018. Challan

has already been filed and the evidence of the prosecution is going on. Therefore, the petitioner is not required for any investigation purposes. However, the prosecution evidence is going at a very tardy speed. Despite repeated issuance of the warrants and summons to the witnesses, they are not coming forward to depose before the Court. So far only six witnesses have been examined and twelve witnesses are yet to be examined by the prosecution. Therefore, the trial is likely to take longer time. It is also submitted that there is no other case of any kind against the petitioner. Hence, the petitioner deserve to be released on bail.

On the other hand, learned State Counsel submits that the petitioner is involved in a heinous crime of murder. He had facilitated the assailants in running away from the spot after they had committed the murder. However, it is not disputed that there is no eye witness who might have seen the petitioner helping the assailants and running away from the spot. It is also not disputed that except the disclosure statement of the co-accused and the above referred statement of the owner of the motor-cycle, there is no evidence against the petitioner. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 11, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No