

Sr. No.216

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

CRM-M-5794-2019(O&M)

Date of decision:20.03.2019

Sandeep @ Kala

.....Petitioner

versus

State of Haryana

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Birender Singh Rana, Sr. Advocate with
Ms. Divya Bajaj, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.549, dated 29.11.2017 for the offences punishable under Sections 302,34 IPC and Section 25 of Arms Act, registered at Police Station Sadar-Rohtak(Haryana).

Learned counsel for the petitioner contends that even as per the allegation in the FIR no motive is disclosed. Hence, at the best, its a case of sudden fight. Otherwise also, its a case of single stab wound leading to the death of the deceased. This shows that there had been no intention to commit the murder. Learned counsel for the petitioner has also pointed out that otherwise also; the story of the complainant has been found to be not so correct by the Investigating Agency itself, because one of the accused, namely, Ajay who was also named by the alleged eye witness, has been found to be innocent during investigation. In any case, the petitioner is not attributed any injury to either the deceased or to anybody else. Even the

alleged arm recovered in the incident does not belong to the petitioner. Still further it is submitted that out of 22 witnesses no witness has been examined by the prosecution so far. The trial is likely to take a longer time. The petitioner is a young boy of only 26 years of age and he does not have any criminal record. There is no other case against the petitioner. In this case, the petitioner is in custody since 14.08.2018. Challan has already been filed and trial is going on. Therefore, petitioner is not required for any further investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Suresh Kumar, submits that the petitioner is involved in the heinous crime of murder. It is further submitted that its a case having an eye-witness version. However, it is not disputed that one of the accused, named by the said eye witness has been found to be innocent by the police themselves, no injury is attributed to the petitioner, no witness has been examined in this case so far and that there is no other case against the petitioner.

In view of the submissions made by learned counsel for the petitioner, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

20th March, 2019
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*