

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

CRM-M-64520-2018
Date of decision: 25.01.2019

Sunil alias Sheela

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Ms. Harpreet Kaur, AAG, 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, 506, 216, 120-B of the IPC 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 allegations in 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 has relied upon the disclosure statement of one Virender @ Baru, which was recorded on 19.01.2018, a person who was arrested firstly in this case, to submit that the

name of the petitioner does not figure in this disclosure, rather, this co-accused has stated that the accused persons, after causing injuries to Kanwar Bhan, came to his house and stated that they will stay with him.

Learned counsel for the petitioner further submits that thereafter, co-accused Ankur was arrested and as per his disclosure, recorded on 22.01.2018, again the name of the petitioner does not figure and he has also stated about the manner in which the conspiracy was hatched and the offences, in which fatal injuries were caused to Kanwar Bhan, were committed. It is further submitted that thereafter, after four days, another disclosure of co-accused Ankur was recorded on 26.01.2018, in which for the first time, the name of the petitioner figured out that he was also the part of conspiracy.

Learned counsel for the petitioner further submits that one of the co-accused Balwinder Singh has already been granted bail by the trial Court and two other co-accused, namely Sumit @ Mota and Mahabir, have been granted concession of regular bail by this Court, vide orders dated 21.11.2018 and 17.12.2018, passed in CRM-M Nos. 46332 and 54483 of 2018, respectively.

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 aforesaid submissions made by learned counsel for the parties and also keeping in view the fact that petitioner is in judicial custody since

27.01.2018, 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.

January 25, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No