

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2939 of 2020

DATE OF DECISION: JANUARY 28, 2020

SURESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.S. DUHAN, ADVOCATE FOR THE PETITIONER.
MR. PARVEEN BHADU, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Suresh has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.160 dated 8.6.2019, under Sections 302, 34, 449 IPC and Section 25/54/59 of Arms Act, Police Station Sadar Gohana, District Sonapat. The petitioner is in custody since his arrest on 29.7.2019.

The FIR was registered on the statement of Dhup Singh that on 8.6.2019 at about 4.00 a.m., when he was out for a walk and reached in front of the house of his nephew, namely, Surender, he heard the firing gun shots. On hearing the same, he stopped and saw that Sumit and his friend scaled the wall and when he tried to catch hold Sumit, he saw a pistol in his hand and got frightened. It was further narrated that another boy was also having pistol in his hand. When he came inside the house of his nephew Surender, he found him lying dead in a pool of blood on a cot. According to him, the motive behind the murder was that his nephew Surender and Sumit had an

altercation around 3-4 months back, which was compromised later on, but Sumit was nursing a grudge.

Learned counsel for the petitioner contends that he was not named in the FIR and a supplementary statement of the complainant was recorded on 10.6.2019 wherein Anil son of Attar Singh was introduced as an accused. He submits that even in the said statement, the petitioner was not named. It is argued that thereafter another supplementary statement of the complainant was recorded on 29.7.2019 wherein the petitioner was indicted as an accused on the strength of criminal conspiracy. It is pointed out that the son of the petitioner is already in custody and weapon of offence has already been recovered. The investigation of the case is complete. Therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel while opposing the prayer does not dispute this fact that no overt-act has been attributed to the petitioner who was arraigned as an accused on the basis of the supplementary statement dated 29.7.2019 given by complainant Dhoop Singh.

After hearing the learned counsel for the parties, this Court is of the opinion that as the petitioner who is confined in judicial custody is not required for any investigation and the trial of the case is likely to consume considerable time, therefore, no useful purpose would be served by detaining him any further behind the bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bond/surety bond to the satisfaction of

the trial Court concerned.

The petition is allowed.

January 28, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No