

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

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**CRM-M-8009-2020 (O&M)
Date of Decision: 11.09.2020.**

Sunny alias Dablu

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the first petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner Sunny @ Dablu, in case FIR No.300 dated 24.03.2019 under Sections 302 and 34 IPC, registered at Police Station Chandani Bagh, District Panipat.

As per the version of the prosecution, the above FIR was registered on the basis of a telephonic call received in the police station that Vikas @ Banti son of Dalbir was brought back home dead by Nawab and Sunny @ Dablu (present petitioner) on Tampoo. During investigation, the petitioner alongwith co-accused Nawab were arrested on 25.03.2020.

Counsel for the petitioner has argued that the petitioner is not involved in the alleged murder. According to her the victim had criminal antecedents and was booked in several cases. She submits that the statements of all the material witnesses have already been recorded. Prosecution witnesses, namely, PW-4 Prem Singh son of Hukam and PW-5 Naseeb son of Hassan, the alleged eyewitnesses, have not supported the version of the prosecution. Counsel has referred to the statement of PW-10 Maya Devi, and PW-11, Manisha, mother and sister of the deceased, to submit that except for deposing, the petitioner along with co-accused had left the dead body of the deceased, no motive has been attributed to the petitioner. Her further submission is that both these witnesses have not even alleged that the deceased had any enmity with the petitioner. She submits that the petitioner is in incarceration for the last 1 ½ year and the trial is likely to take some time.

Per contra, state counsel on instructions from ASI Rana Partap, submits that the shirt as well as the scooty of the deceased were recovered from the petitioner. His instructions are that Dr. Narayan Dabbas is yet to be examined and his evidence is very crucial. His instructions are that 11 out of 17 prosecution witnesses have been examined and the next date before the trial Court is 28.10.2020. He further submits that the Chemical Analysis Report is still awaited, so at this stage, it is difficult to determine the exact cause of death of the petitioner.

I have considered the rival submissions of the parties.

Without discussing the prosecution evidence, at this stage, suffice is to say that the involvement of the petitioner in the homicide of Vikas @ Banti is debatable.

Keeping in view the period of incarceration and the fact that the trial of the case will take some time, this Court is of the considered view that further detention of the petitioner will not serve any useful purpose, therefore, without commenting anything on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Court.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

11.09.2020

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