

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

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CRM-M No.15352 of 2020 (O&M)
Date of Decision: July 1st, 2020

Sahil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM No.13545 of 2020

Prayer in this application is for exemption from filing true typed/certified copies of annexures.

Application is allowed subject to just exceptions.

Exemption, as prayed for, is granted.

CRM-M No.15352 of 2020

Petitioner has approached this Court for grant of regular bail to the petitioner in FIR No.15 dated 15.02.2019 registered under Section 302 read with Section 34 IPC and Section 25 of Arms Act, 1959 at Police Station Moohana, District Sonapat.

It is the contention of learned counsel for the petitioner that the petitioner has been named in the FIR at the fag end and that too upon the complainant coming to know of it while he had taken the deceased to the hospital. He submits that no overt act has been attributed to the petitioner except that he was present at the spot. The main accused, with whom there was enmity, if any, was Toni alias Dinesh, who has been attributed a fire injury in the head of the deceased. Two live bullets are alleged to have been

recovered from the petitioner, who was arrested on 15.02.2019 and is in custody since then. Complainant Satpal son of Inder Singh, who was the maternal uncle of the deceased, had, while appearing in the Court as a witness, turned hostile. Mother of the deceased namely Smt. Anita wife of Rajpal has stated that she was not present at the spot, although she had come to know about the incident as informed by her husband Rajpal, who had accompanied his deceased son. Even Rajpal in his statement (Annexure P-4) before the Court has stated that Dinesh had fired a shot at his son, which hit him at his back near the ear. What has been stated as far as the petitioner is concerned is that he along with Deepak were also present at the spot and accompanying Dinesh. Counsel on this basis contends that the petitioner deserves the concession of bail as he is in custody since almost 1 year and 4 months, with the trial not likely to proceed in near future because of the prevailing pandemic situation.

Counsel for the State, on the other hand, asserts that the presence of the petitioner at the spot stands established by the evidence, which has come on record of the trial Court in the form of statement of the witnesses. He asserts that recovery of two live cartridges has also been effected from him. A heinous offence has been committed by the petitioner along with two other accused and, therefore, concession of bail should not be granted to him.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

Facts as have been stated by the counsel for the petitioner are unassailable and the same could not be denied by the counsel for the State as the same are based on record. The complainant has turned hostile and the mother of the deceased was not present at the spot and the father of the

deceased has also not attributed any overt act to the petitioner except that he was present at the spot and was accompanying the accused. He is already in custody for about 1 year and 4 months and the trial is not likely to conclude in near future, especially when the evidence before the trial Court is not being recorded because of the prevailing pandemic.

In view of the above, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonapat.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

July 1st, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No