

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

CRM-M-17428-2020

Date of decision:-17.8.2020

Sunil @ Sukha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rajesh Bansal, Advocate
for the petitioner.

Mr.Surender Singh, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Sunil @ Sukha, aged about 22 years, an accused in FIR No.195 dated 1.8.2019 for the offences under Sections 302, 148, 149 IPC and under Section 25 of Arms Act, registered with Police Station Israna, District Panipat.

Briefly stated, the facts of the case as per the prosecution story are, that criminal machinery in this case was set into motion by complainant Bintu son of Rajbir, resident of Israna, aged about 24 years, who in his statement got recorded with the police stated that he is a

labourer by avocation and he had another brother by name of Kuldeep @ Deepa, aged about 18 years; on 1.8.2019 at about 8:15 p.m., while he was talking with his brother Kuldeep @ Deepa in the street in front of their house regarding their car, then Kuldeep @ Deepa received a call from someone on his phone; the caller started abusing Kuldeep @ Deepa during the telephonic conversation; on being inquired by the complainant, Kuldeep @ Deepa disclosed that the caller was Sonu from Ganjbarh; when Kuldeep @ Deepa was about to leave, then complainant accompanied him; both of them went on a motorcycle and reached Sabji Mandi, Israna; the moment Kuldeep @ Deepa alighted from the motorcycle, then suddenly some young boys came there on 2-3 motorcycles from the side of Mandi shed; one of the boys gave a knife blow on hip of Kuldeep @ Deepa, whereas other boys accompanying him gave fist and leg blows to Kuldeep @ Deepa; Kuldeep @ Deepa fell down; the assailants then chased the complainant, who raised hue and cry; on arrival of certain people, the assailants ran away along with their respective weapons on their motorcycles; the injured was taken to NC College, Israna, where he was given first aid and referred to hospital at Panipat, however, he died on the way. In his such statement, the complainant stated that his brother Kuldeep @ Deepa had been killed due to enmity with Sonu Ganjbarh. After recording of formal FIR, the matter was investigated. The petitioner/accused was arrested in this case on 15.8.2019. After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court. The petitioner had filed an application for regular bail in the Court of Sessions but the

same was dismissed by learned Additional Sessions Judge, Panipat vide order dated 20.3.2020, therefore, the petitioner has approached this Court for grant of similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The petitioner/accused is not named in the FIR and no specific injury has been attributed to him. The main culprit in this case is Jagmender alias Sunda, who is said to have given fatal knife blow to deceased Kuldeep @ Deepa. The knife has also been got recovered by him. The name of the petitioner is said to have cropped up during the disclosure statement of co-accused. His guilt shall be determined during the trial, the conclusion of which is likely to take some time, especially on account of COVID-19 Pandemic. Therefore, I find it proper and appropriate to grant concession of regular bail to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Panipat, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the

Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

17.8.2020

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No