

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

CRM-M-17625-2020 (O&M)
Date of Decision:- 25.11.2020

Sombir @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.259, dated 10.10.2017, Police Station Barauda, District Sonapat, under Sections 120-B/302/34 IPC and Section 25 of Arms Act.
2. The FIR was registered at the instance of Dhanraj wherein he has stated that they are 5 brothers namely Rambhaj, Baljeet, Jai Singh, Dhanraj (complainant himself) and Dharam Singh. It is alleged that on the day of occurrence i.e. on 10.10.2017 when he along with his nephew Rakesh were going on motorcycle, they were waylaid by three young boys who came there on motorcycle and two of them started beating Rakesh while one of them held him aside and threatened that he would shoot him in case he made any noise. It is further alleged that the other two boys fired at his nephew Rakesh killing him at the spot. While leaving, the said boys said that they had taken revenge of Satbir's death.

3. It has been submitted by learned counsel for the petitioner that he is nowhere named in the FIR and is sought to be nominated as an accused on the basis of supplementary statement stated to have been made by the complainant on 10.10.2017 itself wherein he stated that Pahal son of Ramesh, Sonu son of Ramesh (petitioner) and Sethu son of Balbir had been roaming around in front of house of his brother Jai Singh on 9.10.2017 and also on 10.10.2017 for the purpose of conducting *recce* and that later Pawan @ Pona had shot at Rakesh alongwith his companions after hatching a conspiracy. The learned counsel has submitted that in any case the petitioner who has been behind bars since the last about 3 years deserves the concession of bail on grounds of parity since his co-accused namely Naveen and Ashish have already been granted bail.
4. Opposing the petition, the learned State counsel has submitted that since the complainant himself has categorically named the petitioner in his supplementary statement, no case for grant of bail is made out. The learned State counsel, in this regard, has drawn the attention of this Court to Para 4 of the reply wherein the factum of the complainant having made a supplementary statement on 10.10.2017 has been mentioned.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that even as per the supplementary statement made by the complainant on 10.10.2017, it is not the petitioner, who is alleged to have fired at the deceased and the only allegation as per the supplementary statement is that the petitioner had conducted *recce* of the area, it will be debatable as to whether the petitioner can be held responsible for the murder of the deceased or not. In any case, since the petitioner has been behind bars

since the last 3 years and trial has not made headway, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

25.11.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No