

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 27402 of 2020

Date of Decision: 16.9.2020

Sanju Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 187 dated 09.11.2019 under Section 346 IPC (Sections 302, 201 IPC and Sections 3 and 2(5) of SC/ST Act added later on) registered at Police Station Sadar Sohna, District Gurugram.

Learned counsel for the petitioner submits that initially the FIR in question was got registered under Section 346 IPC on the statement of Shravan son of Sumera (since deceased) wherein he stated that his father had been missing since 05.11.2019 but later on, in his supplementary statement dated 18.1.2020, he stated that Vikram @ Vicky along with the petitioner had killed his father due to previous enmity. The attention of this Court has been drawn towards Annexure P-2 i.e. the disclosure statement of co-accused Vikram @ Vicky wherein he stated that when he (Vikram @ Vicky) was on his way to drop Sanju (petitioner) to his house, they saw

Sumera going towards his village. They stopped Sumera near the Temple of the village. Sanju (petitioner) slapped him by getting down from the motor cycle whereas he (Vikram @ Vicky) gave him kicks and punch blows due to which Sumera fell down. Thereafter, he (Vikram @ Vicky) took a stone lying nearby and hit the same on the head of Sumera 3-4 times. Sanju (petitioner) stopped him by pushing him away. Learned counsel further submits that the petitioner has been in custody since 21.1.2020 and challan has been presented in the Court.

Learned State counsel, on instructions from SI Dinesh Kumar, submits that the petitioner has actively participated in the occurrence which took place on 5.11.2019. He further submits that challan was presented on 05.3.2020 and the case is now fixed for 07.11.2020 for consideration on charge.

In the present case, the petitioner has not been attributed any injury to the deceased. The petitioner has been in custody since 21.1.2020. Challan has been presented on 05.3.2020 but the charges are yet to be framed. The trial will take time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

September 16, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No