

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

CRM-M-29333-2020

Date of decision: **14.10.2020**

DHARMENDER @SONU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.130 dated 7.5.2020 under Sections 302/201/34 IPC and Section 3(2)(v) of SC/ST Act at Police Station Kasola, District Rewari.
2. The FIR was lodged on the basis of statement of Ajay wherein it has been alleged that on 6.5.2020 his younger brother Vijay @ Vicky left his house and later when the complainant was present at his clinic Vijay came to his clinic at about 11:30 a.m. and stayed with him till 2:30 p.m. when Sonu came to complainant's clinic and took complainant's brother along with him while talking about consuming alcohol. It is alleged that later in the evening complainant's brother and Sonu consumed liquor at about 5:30 p.m. and also brought a bottle of liquor to the complainant clinic and

asked the complainant to accompany them but the complainant refused and consequently both Sonu and complainant's brother left from the clinic on a motorcycle belonging to Sonu. It is alleged that later at about 8:30-9:00 p.m. Sonu called the complainant telephonically asking him as to whether complainant's brother i.e. Vicky had returned home to which the complainant replied in negative. It is alleged thereafter Rajinder @ Raju came to the complainant and disclosed that Vijay and Sonu had removed their clothes so as to have bath in the canal. The complainant alleged that thereafter the whereabouts of his brother Vijay were not known although they searched for his brother. It is further the case of prosecution that later death body of complainant's brother i.e. Vijay @ Vicky was recovered while floating in J.N.L. Canal. The complainant alleged that Sonu and Rajinder @ Raju had killed his brother by drowning him in the canal.

3. Learned counsel for the petitioner has submitted that it is a case of blind murder and that the petitioner in any case, even as per FIR was on good terms with the complainant's brother as they were having liquor together and had also visited complainant's clinic together and no suspicion was however expressed by the complainant as regards the friendship of the petitioner with complainant's brother. It is further submitted that in any case, there is no motive attributable to the petitioner so as to cause death of complainant's brother and in these circumstances the petitioner deserves the concession on bail.

4. Opposing the petition, learned State counsel has submitted that during the course of investigation it has been found that there was a quarrel between

the complainant's brother and the petitioner regarding key of motorcycle and that the petitioner being enraged pushed the complainant's brother in the canal. Learned State counsel upon instructions from ASI Om Parkash has informed that '*Challan*' already stands presented and that the petitioner is not involved in any other case and none of the cited 23 PWs has been examined so far.

5. I have considered rival submissions addressed before this Court.
6. Bearing in mind that it is a case of blind murder and that the FIR rather suggests that the relations between the deceased and the petitioner were cordial as they had been consuming liquor together and they had also visited complainant's in his clinic and while also noticing that the '*Challan*' already stands presented and that the petitioner is not stated to be wanted in any other case and that the conclusion of trial is likely to take substantial time since none of the PW out of cited 23 PWs has been examined, further detention of the petitioner will not serve any useful purpose. 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.

(GURVINDER SINGH GILL)
JUDGE

14.10.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**