

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

CRM-M-16943-2020

Date of decision:08.01.2021

Sumit

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Veenus Malik, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Status report by way of an affidavit of Deputy Superintendent of Police, Loharu, filed in the Registry, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.972 dated 13.12.2018 registered at Police Station Sadar, Bhiwani, under Sections 205, 213, 214, 302 IPC and 25 of the Arms Act.

Learned counsel for the petitioner contends that though the petitioner has specifically been named in the FIR, yet in the status report (without date) filed by Deputy Superintendent of Police, Loharu, a different position has been depicted. Paras No.5 and 7 of the said report read as under: -

“5. That the matter was deeply investigated and during investigation, it was found that present petitioner Sumit did not shoot Yogesh deceased. Thereafter, on 25.12.2018,

co-accused Sachin was arrested, who suffered his disclosure statement to the effect that about 1/1-½ month ago, he had quarrel with Yogesh deceased and as such, he was keeping personal grudge against Yogesh. He further stated that Vikas Foji was under influence of liquor and he took out his weapon and Vikas did not know about this and he committed murder of Yogesh and co-accused Sumit and Vikas has no role in it. He further stated that on 13.12.2018, he came to know that Yogesh expired due to gunshot injury. He further admitted that he gave offer to Sumit to take over all the allegations upon him as nobody knows who fired and Sumit accepted my offer and he presented himself as accused before the Police.

7. That the above mentioned facts were also verified by the then SHO, P.S. Sadar Bhiwani. During further investigation, it was found that accused Sachin committed offence under Sections 302, 205, 213, 214 IPC and Sections 25/54/59 Arms Act and accused Sumit/present petitioner committed offence under Sections 205, 213, 214 IPC and Sections 25/54/59 Arms Act.”

Learned counsel for the petitioner further states that the main accused Sachin has already been granted regular bail by the trial Court. The petitioner has been in custody since 13.12.2018.

Learned State counsel does not dispute the custody period of the petitioner. However, he further states that the challan has been presented and out of 18 witnesses, 04 have been examined so far.

I have heard the learned counsel for the parties.

As noticed above, the main accused Sachin has already been granted regular bail by the trial Court and the petitioner has been in custody since 13.12.2018. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the

bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

08.01.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No