

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32080-2020 (O&M)
Date of Decision:-16.9.2021

Dinesh @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nikhil Chopra, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Munish.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.1082, dated 18.10.2016, Police Station City, Gurugram, District Gurugram, under Sections 148, 149, 302, 307, 120-B IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Karan Singh wherein it is alleged that one of his sons namely Munish Kumar is carrying on dairy and liquor business. On 17.10.2016, when the complainant was sitting at the liquor vend of his son, then at about 11.45 pm, his son Munish Kumar along with Liyakat and driver Sukhbir came in their car for collecting cash from the vend. Around the same time 8-10 young boys came there in a vehicle carrying weapons and started firing at his son Munish and his companions

and as a result of which his son Munish sustained bullet injuries on his head and chest and his driver Sukhbir as well as Liyakat also sustained bullet injuries. The assailants, after firing the shots, made good their escape in two vehicles. Munish was taken to hospital, but on account of the fire arm injuries he succumbed to death. It is further alleged that the complainant's family was having a dispute since long time with the family of Sandeep Gadoli and Kaushal and at the time of cremation of Sandeep Gadoli, his brother Kuldeep Brahm Prakash and his sister Sudesh announced that they will avenge the death of Sandeep and will not allow the family of Bhinder to celebrate Diwali. The complainant thus suspected that it is Brahm Prakash, Sudesh, Kaushal, Munish (brother of Kaushal) and Amit Dagar who are involved in the murder of complainant's son namely Munish.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of an alleged disclosure statement made by Kuldeep. It has further been submitted that since Kuldeep, Ravi, Deepak as well as several other accused including Laksh Sharma and Sudesh have already been granted bail, therefore, the petitioner in any case deserves the concession of bail on grounds of parity especially since he has been behind bars since the last about 4½ years.
4. Opposing the petition, learned State counsel has submitted that in the instant case one pistol, one revolver and one country made pistol alongwith 6 live cartridges used in the occurrence were recovered from the petitioner. It has further been submitted that the bullet found in the body of the deceased as well as the pistol recovered at the instance of the petitioner were got examined from the ballistic expert, who has opined that the bullet in question

was fired from the same very pistol. It has further been submitted that the Dzire Car used in the occurrence belongs to the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4½ years and till date only 1 out of the cited 80 PWs has been examined. It has also been informed that the petitioner stands involved in a large number of cases approximately 17 and that the petitioner was involved in 10 out of the said cases after his arrest was effected in the present case.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of 4½ years and that conclusion of trial is likely to consume time as only 1 out of the cited 80 PWs has been examined so far, further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No