

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

CRM-M-738 of 2022 (O&M)

DECIDED ON: 24th March, 2022

Sumit Kasana

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vikram Singh Chauhan, Advocate for petitioner.

Ms. Tanushree Gupta, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

CRM-8323 of 2022

Since, the main case is fixed for today, the present application for preponing the date of hearing is rendered infructuous.

Main case

Petitioner is seeking regular bail in case of FIR No. 170 dated 7.6.2021, under Sections 148, 149, 302, 506 IPC, 1860, registered at Police Station Kheripul, Faridabad, Haryana.

The brief facts are that FIR was registered at the instance of Jatinder. He alleged that on 6.6.2021 he along with his son Vicky went to the house of Rajesh where 10-11 boys were standing in the street. Vicky was called by the boys and was attacked with danda, rod and sharp edged weapon. He named Ram Chanda, Rumal, Rakesh and Sunil and claimed that he can identify the other accused. During investigation he gave a written complaint on 14.6.2021 wherein he stated that he was little drunk on the day of occurrence and could not identify the accused correctly and now he is satisfied that Sumit Kasana (petitioner), Monu and Kailash along with their friends killed his son.

Learned counsel for the petitioner submits that from the complaint made by the complainant, it is evident that the allegations made by him are not reliable. The petitioner is in custody since 15.6.2021. He was nominated in the FIR on the basis of subsequent written complaint. The investigation is complete and at the instance of the petitioner, a danda was recovered from the house of Monu, which had no blood stains. The contention is that there is nothing to connect the petitioner with the alleged incident.

Learned State counsel opposes the prayer for bail. He argues that the petitioner was specifically named in the written complaint filed by the complainant, on instructions submits that challan stands presented and petitioner is not involved in any other case.

Without commenting upon the merits of the case and having conspectus of the facts, considering the nature of recovery at the instance of the petitioner, petitioner has no criminal antecedents and the fact that though the investigation is complete, conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

24th March, 2022

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>