

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-5477-2022

DATE OF DECISION: 15.03.2022

SUMIT ALIAS SONU

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Edward Augustine George, Advocate and
Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.1337 dated 30.12.2017, under Sections 25, 54, 59 of the Arms Act, 1959 and 120-B, 148, 149, 302 IPC registered at Police Station Panipat City, District Panipat.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein three co-accused have been specifically named. He has been arraigned as an accused on the statement of the co-accused that he had also conspired with the other accused in the murder of the deceased. He, however, submits that the material witnesses namely Om Parkash (PW-3), Ajay (PW-4) and Roshan Lal (complainant as PW-5) have not supported the prosecution case *qua* the involvement of the petitioner. He has referred to the copies of the statements of the prosecution witnesses annexed at Annexures P-2 to P-4. He also contends that neither there is any motive attributed to the petitioner nor any recovery has been effected from him. He was involved in another case under Section 364 IPC read with Section 511 IPC allegedly on the allegations of attempting abduction. He is in custody for over a year.

Learned State counsel contends that 5 out of 22 prosecution witnesses have been examined. He has filed custody certificate which indicates that the petitioner is in custody for 1 year and 11 days.

Heard.

In view of the above, especially when the material witnesses have not supported the prosecution case, he is in custody for over a year, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, SHO, Police Station Panipat City would be informed. The petitioner would furnish his mobile number to the SHO and keep the location of his phone on till the conclusion of the trial. He would also appear before the police station on first Monday of every month till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

15.03.2022

SwarnjitS

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