

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

219/2

**CRM-M-10278-2022
Date of Decision:30.08.2022**

Sunder

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Dhruv Singh, AAG, Haryana.

Mr. Sandeep Kumar Yadav, Advocate,
for the complainant.

VIKAS BAHL, J. (Oral)

This is the 1st petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.279 dated 18.06.2020 registered under Sections 148, 149, 323, 302, 506 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act 54 of 1959 at Police Station City Mahendergarh, District Mahendergarh, Haryana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 02.09.2021 and there are 24 witnesses, out of which only 1 witness has been examined and thus,

the trial is likely to take time to conclude and the petitioner is not involved in any other case. It is further submitted that the petitioner was not named in the FIR and has been implicated solely on the basis of disclosure statement of co-accused Kuldeep, Sonu, Amit and Balwan. It is further submitted that even as per the prosecution case, one gun shot injury has been suffered by Santra deceased, which as per the FIR has been attributed to two co-accused Kuldeep and Sonu but as per the final prosecution version, the said gunshot injury is attributed to Kuldeep. It is submitted that as per the FIR, there were 7-8 unknown accused persons and no specific injury/role has been attributed to the said unknown persons. The petitioner has been sought to be implicated on the basis of the disclosure statement of Kuldeep, Sonu, Amit and Balwan and even as per the said version, the petitioner along with Dholi (co-accused) is stated to have thrown stones at the complainant party. No specific injury has been attributed to the petitioner and no recovery has been made from the present petitioner. It is further submitted that Dholi has been granted regular bail by a coordinate Bench of this Court vide order dated 17.02.2021 passed in CRM-M-6839 of 2021.

Learned State counsel as well as counsel for the complainant, on the other hand, have opposed the present petition for regular bail and have submitted that the present petitioner had also participated in the incident in which the death of Santra had taken place and one injury was caused to the complainant Krishan. It is submitted

that all the accused persons including the present petitioner had a common intention and thus, the petitioner does not deserve the concession of regular bail.

This Court has heard the learned counsel for the parties and has perused the paperbook.

The petitioner is in custody since 02.09.2021 and there are 24 witnesses, out of which only 1 witness has been examined and thus, the trial is likely to take time to conclude. The petitioner is stated to be not involved in any other case. Petitioner was not named in the FIR and it was alleged in the FIR that there were 7-8 unknown persons but no specific injury has been attributed to the said 7-8 persons. One gunshot injury has been suffered by the deceased Santra which has not been attributed to the petitioner. The petitioner has been implicated on the basis of disclosure statement of co-accused Kuldeep, Sonu, Amit and Balwan and even as per the said disclosure statement, the petitioner, along with one Dholi, had been alleged to have thrown stones at the complainant party. Dholi co-accused of the petitioner has been granted regular bail by a coordinate Bench of this Court vide order dated 17.02.2021 passed in CRM-M-6839 of 2021.

Keeping in view the abovesaid facts and circumstances, more so, the fact that the petitioner is not involved in any other case and the case is likely to take time, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety

bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

30.08.2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No