

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

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**CRM-M-14608-2022
Date of decision: 18.04.2022**

KRISHAN @SONU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. This is first petition has been filed under Section 439 Cr.P.C. by the petitioner for seeking concession of regular bail in case bearing FIR No. 1044 dated 20.11.2016 under Sections 148, 149, 302 and 120-B of the IPC and Section 25 of the Arms Act registered at Police Station Sadar Jhajjar, District Jhajjar.

2. As per the case of the prosecution, the FIR in question was registered on the statement of Surender who alleged that on 19.11.2016, at about 8:00 o' clock when the complainant along with his brother Rajender and his bhabhi reached near the house of Ishwar, co-accused Neeraj, Narender, Chand, Sunder, Satish, Satbir, Chand Ram, Seema, Pritam, Chand son of Dharambir, Bittu and his nephew Vikas came and fired shot at Rajender. As a result of the gun fired shot injury Rajender fell down at the spot and was later declared dead. The co-accused Neeraj, Narender, Chand and Seema also exhorted that do not depth

alive. It is alleged that there is an old enmity amongst the parties and that even on earlier occasion, the accused persons had committed murder of his nephew Anil.

3. Learned counsel appearing on behalf of the petitioner submits that initially as many as 18 person were named by the complainant. However, the petitioner was not amongst the named persons in the complaint and did not figure in the FIR. He submits that eventually one co-accused Satpal was arrested by the Police after nearly one year of the incident and on the basis of his disclosure, the name of the petitioner figured. He submits that no injury or role has been attributed or prescribed to the petitioner. He further contends that similarly placed co-accused persons have already been granted concession of regular bail by this Court in the matter of Chand versus State of Haryana dated 22.09.2017 in CRM-M-34636 of 2017; Harkesh versus State of Haryana dated 11.07.2017 in CRM-M-15297-2017 (O&M); Pritam versus State of Haryana dated 08.09.2017 in CRM-M-30345 of 2017; Seema versus State of Haryana dated 21.07.2017 in CRM-M-24625 of 2017. He also submits that the petitioner was taken in custody on 24.02.2021 and that as many as 20 witnesses are yet to be examined. It is also an argument that the petitioner does not have any criminal antecedents and there is no other case registered against him.

4. Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana has opposed the petition on the ground that the petitioner was amongst one of the conspirators and had held the assailants in the commission of the offence. He however, could not dispute the fact that similar allegations

had also been levelled against co-accused Harkesh to whom concession of regular bail had already been granted vide order dated 11.07.2017. It is also not in dispute that the period of custody undergone by the said accused was lesser as compared to the period of custody undergone by the petitioner in the instant case. Besides, it is also not controverted that no recovery of any nature has been effected from the petitioner and that there is no specific role or injury attributed to the petitioner.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. It is also evident that the investigation in the case is already complete and continued incarceration of the petitioner is not likely to advance any interest of justice.

7. In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-**Krishan @ Sonu** is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure

his presence in accordance with law. In that eventuality
the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the previous
permission of the Court.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 18, 2022
vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>