

209 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20028-2020 (O&M)
Date of decision : 10.08.2022

Rakesh @ Sonu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ram Bilas Gupta, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

First petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.171 dated 15.05.2018 under Sections 341, 307, 302, 34, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station Chandhat, District Palwal.

As per prosecution story, on 15.05.2018, a VT message was received from control room regarding firing incident at Chhajju Nagar Petrol Pump and ASI Khem Chand along with police officials reached there. Injured Rakesh @ Sonu met them and told that he had sustained a bullet injury. Dead-body of his wife was lying in a pool of blood. Motorcycle No.HR-29-T-8123 was parked there. ASI lifted one shell and a live cartridge and took photographs with his mobile phone. Dead-body of Rachna and injured Sonu were shifted to GH Palwal in separate ambulances. Doctor declared Rachna as dead. Injured Rakesh

@ Sonu was medico-legally examined and referred to higher centre. After obtaining doctor's opinion regarding fitness of Rakesh @ Sonu, his statement was recorded to the effect that on 14.05.2018, he received a telephonic call regarding accident of his brother-in-law near Chhaju Nagar, Canal barrage. He along with his wife proceeded to the place on a motorcycle. At about 12.30 /12.45 a.m. when they crossed Canal barrage, three bikers with muffled faces fired on them resulting into the present occurrence.

Learned counsel for the petitioner contends that vide order dated 08.02.2022 passed by the Coordinate Bench, petitioner was earlier granted interim bail till 07.05.2022 and he has never misused the concession. Further contends that petitioner surrendered before the Jail authorities on 08.05.2022 in compliance of the Court's order and since then, he is in custody. Also contends that in case, petitioner is granted bail, there would be no apprehension of influencing the witnesses or tampering with the evidence and apart from the present criminal case, he is not facing any other criminal proceedings.

Learned State counsel, on instructions, is not able to point out that any other criminal case is pending against the petitioner or he has misused the concession of interim bail.

In view of the above, this Court is of the opinion that keeping the petitioner in custody any further would not serve any purpose.

Consequently, the present petition is allowed. Petitioner be admitted to bail pending trial in this case on his furnishing

bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

10.08.2022

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No