

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24292-2022 (O&M)
Date of Decision:-17.10.2022

Sunny ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.R. Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.637, dated 27.7.2020, Police Station City Panipat, District Panipat, under Sections 148, 149, 302, 323, 341 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of complainant Pritam Singh, wherein it is alleged that on 27.07.2020, he received information to the effect that his nephew Manpreet @ Sonu was lying in an injured condition with head injury in Tau Devi Lal Complex Street near Sai Tower. Upon receipt of said information, he reached at the spot and saw that his nephew was lying dead with a head injury and blood was lying scattered. It is alleged that his nephew used to work at a shop of Air Conditioner at Mahabir Colony. He

enquired on his own that initially, Anil, Ashu, Vicky, Suraj, residents of Panipat had heated exchange of words and thereafter, quarrelled with his nephew. Later on, along with abovesaid accused, Sunny, Ajay, Golu, Prem @ Goga, Deepak, Suman, Darshana and Ashok and some other persons came at the spot on motorcycles with sticks and rods with intention to kill Manpreet @ Sonu and attacked him with sticks and rods, due to which Manpreet @ Sonu succumbed to the injuries.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and is not named in the FIR. It has been submitted that since several identically situated co-accused including main accused Ashu have been granted bail by this Court, the petitioner also deserves the same concession on grounds of parity particularly when the conclusion of trial is likely to consume time.
4. Opposing the petition, the learned State counsel has submitted that complicity of the petitioner is evident from the fact that in the CCTV footage, he is shown to be causing injuries to the deceased with the help of a stick. It has further been submitted that although Ashu, who is also shown in the CCTV footage, has been granted bail but in the CCTV footage, Ashu is shown to be simply standing, whereas the petitioner is specifically shown in the CCTV footage inflicting injuries to the deceased. Learned State counsel has informed that as on date, none out of the cited 30 PWs has been examined though the petitioner has been behind bars since the last about 2 years and 1 month. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered rival submissions.

6. The factum of CCTV footage is certainly a strong piece of evidence indicating the complicity of the petitioner. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of more than 2 years and 1 month. Conclusion of trial is likely to consume time inasmuch as none out of the cited 30 PWs has been examined till date. The petitioner otherwise has a clean record. He also deserves the concession of bail on grounds of parity inasmuch as other co-accused including the accused who are also shown in the CCTV footage have been granted bail by this Court. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.10.2022

geeta

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No