

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

248

CRM-M-42656 of 2022

Date of Decision:23.11.2022

Sonu Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Mr. S. K. Dagar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.154 dated 19.04.2021, under Sections 302, 341, 201, 120-B, 34 IPC and Section 25, 27, 29 of the Arms Act, registered at Police Station Sadar Rohtak, District Rohtak.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 03.05.2021 and the police has already completed the investigation in the matter and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court. He submitted that after framing of the charges in the present case one prosecution witness has been examined. He submitted that the other co-accused namely Meena, Sahil and Vikash @ Vicky have been extended the benefit of regular bail by this Court in

CRM-M-24558 of 2022, CRM-M-3709 of 2022 and CRM-M-38246 of 2022 respectively. He further submitted that so far as the present petitioner is concerned, the only role attributable to him was that he was present at the spot but he had only supplied pistol to the co-accused namely Rahul who had fired upon the deceased. He referred to paragraph 8 of the affidavit which was filed by the State in this regard and has submitted that therefore there is no specific role attributed to the petitioner regarding causing of any injury to the deceased person. He submitted that he has already faced incarceration from 03.05.2021 and the trial of the case may long time and considering the fact that the aforesaid other co-accused have already been extended the benefit of regular bail by this Court therefore the present petitioner may be considered for the grant of regular bail.

On the other hand, Mr. S. K. Dagar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 03.05.2021 and the aforesaid other co-accused have been extended the benefit of regular bail. He also submitted that as per the affidavit filed by the State, the only role attributed to the petitioner was that he had supplied a pistol to the co-accused Rahul who had fired upon the deceased person. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in two more cases as stated in paragraph 9 of the affidavit.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration from 03.05.2021. As per the learned counsel for the parties, the other three co-accused namely Meena, Sahil and Vikash @ Vicky have been extended the benefit of regular bail by this Court. A perusal of the affidavit filed by the State would show that it has been so stated in paragraph 8 of the affidavit that the role attributed to the petitioner was regarding

supplying of pistol to the co-accused which according to learned counsel for the State counsel was Rahul who had killed the deceased namely Hari Om. The mere fact that the petitioner is involved in two more cases cannot disentitle the petitioner for grant of regular bail especially in view of the aforesaid facts and circumstances and considering the custody period of the present petitioner. Furthermore, it is not the case of the State nor it has been so stated in the affidavit that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid position, this Court is of the considered view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

November 23, 2022

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