

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

223

CRM-M-48557 of 2021 (O&M)

DECIDED ON: 11th July, 2022

Sunil @ Sunny

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.S. Ahluwalia, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.34 dated 25.2.2021, under Sections 302, 201 read with Section 34 IPC, 1860, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

The FIR was at the instance of Sunita. As per the case set up, son of the complainant Narinder (deceased) died on 24th February, 2021. She alleged that Narinder was murdered by Dharambir, Rahul and Ravi (son of her uncle). Petitioner was named in the disclosure statement of Rahul. Petitioner was arrested on 4th April, 2021. His confessional statement was recorded. At his instance, the Scooty of the deceased bearing registration No.HR-13-M-2034, wooden danda and his mobile was recovered.

Learned counsel for the petitioner submits that it is a case of false implication. Petitioner was named in the disclosure statement. He further submits that to connect the petitioner with the crime, the recovery of the Scooty of the deceased was shown on 4th April, 2021. Whereas as per the deposition of father of the deceased, the Scooty was taken by the police in possession on 25th February, 2021. He further submits that the material witnesses have not supported the case of the prosecution against the

petitioner.

Learned State counsel opposes the prayer and submits that at the instance of petitioner, the Scooty of the deceased was recovered and he is involved in two more FIRs.

Learned counsel for petitioner submits that two FIRs involving petitioner are regarding accident. In one he has been acquitted and in another he is on bail.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

The petitioners' name surfaced in a disclosure statement. He is in custody since 4th April, 2021. Material witnesses have been examined. In view of statement made by Ranbir Singh, PW2, recovery of Scooty at the instance of petitioner is debatable, the petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

11th July, 2022

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *Yes*