

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-46860-2022 (O & M)****Date of decision: 18.10.2022**

Sonu

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No. 444 dated 07.06.2021 under Sections 302, 34, 120B, 212 IPC and Sections 25, 27, 29 (Act No.54) of the Arms Act, 1959 registered at Police Station Kharkhoda, District Sonapat.

2. The brief facts of the case are that Jagbir Singh son of Sukhram got registered the present FIR stating therein that he had two sons, namely, Amit and Ajit and a daughter, namely, Manju. His elder son-Amit was aged 28 years. In the year 2018, in the murder of one Rakesh son of Om Parkash, his son Amit, Deepak son of Satbir and Anita wife of Rakesh were accused and the said three persons were arrested. In that case, his son Amit had come on bail in March, 2021. A few days prior to the occurrence while he (complainant) was sitting in front of his house, then, Arjit son of Rakesh and Sonu son of Ajit (petitioner) came to his house and asked about

the whereabouts of Amit. They informed him (the complainant) that they

wanted to take a revenge of the murder of their father and stated that they would kill Amit on getting a chance. Thereafter, the two went away from the spot. He did not gave any complaint to the police in this regard.

On 07.06.2021 at about 10.00 a.m., his son-Amit went to the factories in search of work and he (the complainant) also went towards Nahara for getting rice. On his way back from Nahara, near the hotel of one Kukku, he saw that his son Amit was running on the road and Arjit son of Rakesh and Sonu son of Ajit (petitioner) were chasing him on their motorcycle. His son-Amit ran into the fields of Kaptan and then Arjit and Sonu stopped their motorcycle and chased Amit into the fields. Sonu threw Amit on the ground and Arjit shot at the him (Amit) with the pistol. Thereafter, the two ran away from the spot. Amit died at the spot.

3. The learned counsel for the petitioner contends that three accused persons, namely, Ravi alias Dost, Arjit and Sonu (petitioner) were challaned post investigation. The petitioner is in custody since 15.06.2021 and since Jagbir Singh-complainant (father of the deceased-Amit) had turned hostile during trial, the further incarceration of the petitioner is not required.

4. The learned counsel for the State, on the other hand, submits that the petitioner is one of the main accused. However, he does not deny the fact that the complainant-Jagbir Singh, whose statement was recorded as PW-5 (Annexure P-1) has turned hostile and Archit alias Arjit son of Rakesh (minor and main accused) has been granted the concession of bail vide order dated 07.05.2022 passed by the Court of Additional Sessions Judge, Sonipat.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 15.06.2021. Only

Jagbir Singh (father of the deceased-Amit) has turned hostile. Archit alias Arjit (minor son of Rakesh) has been granted the concession of bail by the Court Additional Sessions Judge on 07.05.2022 and a co-accused, namely, Ravi @ Dost has been granted bail by this Court vide order dated 29.08.2022 in CRM-M-33042-2022. Therefore, the further incarceration of the petitioner is not required.

7. In view of the above, but without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sonu is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

October 18, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No