

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:099030
CRM-M-508-2023

Date of Decision: August 02, 2023

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naresh Kumar Chhokar, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Status report by way of affidavit dated 30.07.2023 of Shri Krishan Kumar, Deputy Superintendent of Police, Crime Against Women, Panipat, on behalf of respondent-State, has been filed.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.181, dated 29.05.2020, registered at Police Station Madlauda, District Panipat, Haryana, under Sections 302 and 120-B of IPC. (Section 201 IPC added and Sections 148 and 149 IPC deleted later on).

FIR was lodged at the instance of Gulab Singh, as per which on 27.05.2020, his nephew Sahil was called by co-villagers Sanjay, Suresh, Ankit, Anil (petitioner), Vinod, Dharambir, Harun and Om Parkash and all of them in connivance with each other murdered Sahil by inflicting injuries with *gandasi* and knives and threw him in the canal.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated; and that co-accused Sanjay and Suresh have already been allowed bail by this Court on 06.12.2022 passed in CRR No.1227 of 2020 (O&M), though they were held to be juvenile. Learned counsel contends that the case of the petitioner is on the similar footing. Out of 28 witnesses, only 06 have been examined so far. Petitioner is in custody for last more than 03 years.

Learned counsel for the petitioner has also drawn attention towards the observations made by the Court of Sessions in the order dated 06.01.2022 (Annexure P-3), whereby bail was declined to the petitioner, as per which the occurrence was captured on a video, but when the pen drive was opened on the computer, some persons were found assaulting the victim, but their faces were not clearly visible, which fact was also admitted by the Investigating Officer.

Learned State counsel has opposed this petition by pleading that the case of the petitioner is on different footing as Sanjy and Suresh were allowed bail being juvenile. However, learned State counsel, on instructions from ASI Chandgi Ram, concedes that out of 28 witnesses, only 06 have been examined so far.

As per custody certificate placed on record by learned State counsel, petitioner is in custody for the last 03 years, 02 months and 01 day and he has no criminal antecedent.

Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the petitioner is admitted to regular bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

August 02, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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