

CRM-M-4815 of 2023
Date of Decision: February 03, 2023

Sunny @ Sudama ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C, petitioner has prayed for grant of regular bail in case FIR No.476 dated 06.10.2022 registered under Sections 307, 120B IPC and 25 of Arms Act at Police Station City Tohana, District Fatehabad.

As per allegations, on 05.10.2022 an unknown person with an intention to kill, fired upon Khushi Ram son of Tek Chand, working as Compounder in the Clinic of Dr. Sunil Sethi. The attribution to the petitioner is that he was aware of the occurrence. As mentioned in para No.2 of the impugned order passed by learned Additional Sessions Judge, Fatehabad whereby bail petition was declined, it is Manoj alias Shibu who had fired.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the State. It is submitted by learned State Counsel that as disclosed by the petitioner himself, he is involved in as many as seven more cases which include one case of murder registered vide FIR No.100 dated 27.04.2018 registered at Police Station Bhattu Kalan, Fatehabad under Sections 148/149 IPC, 302, 323, 506 IPC.

However, learned counsel for the petitioner pointed out that

petitioner has been acquitted in one case whereas he is on bail in all other cases. It is contended that bail petition has been declined by the trial Court only because of his criminal antecedents.

As per the custody certificate placed on record, petitioner is in custody in this case for 03 months and 21 days.

Having regard to the role attributed to the petitioner to the effect that he simply knew about the occurrence but without commenting on the merits of the case, the bail cannot be declined only because of criminal antecedents. As such, petition is allowed. Petitioner is admitted to bail on his furnishing personal bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

February 03, 2023
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(DEEPAK GUPTA)
JUDGE

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