

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

**CRM-M No.12146 of 2022 (O&M)
Date of Decision: 09.03.2023**

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Deepender Singh, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.171 dated 15.05.2018, under Sections 302, 307, 341, 34, 120-B of the Indian Penal Code, 1860 & Section 25/54/59 of the Arms Act, 1959, registered at Police Station Chand Hut, District Palwal.

2. Allegations are that on 15.05.2018, ASI Khem Chand along with other police officials while on patrol duty received message from Control Room regarding firing incident at Chhaju Nagar Petrol Pump. They proceeded towards the place of occurrence. A little ahead of Petrol Pump, an injured-Rakesh @ Sonu met the police party and told that the assailants had shot him. However, people at the Petrol Pump informed of a woman too, whose body was lying at a distance from the Pump. After reaching at the spot, they found dead body of a woman, namely, Rachna (wife of Rakesh @ Sonu), who was accompanying him, in a pool of blood. Thereafter, injured as well as dead body

of Rachna were shifted to Govt. Hospital, Palwal. After obtaining Doctor's opinion, statement of the injured was recorded, whereby he stated that on 14.05.2018 (midnight), he received a telephonic call regarding accident of his brother-in-law near Chhaju Nagar Canal Barrage with a Truck. He along with his wife proceeded to that place on his motorcycle. At about 00:30/00:45 AM, when they crossed Chhaju Nagar Canal Barrage, three armed maskers came on a black Splendor motorcycle, intercepted them and fired upon them repeatedly. Rachna sustained injuries and fell down, whereas he ran towards Petrol Pump to save himself. Accused Rakesh @ Sonu and Sanjay (petitioner) were arrested on 18.05.2018 and they made confessional statements involving co-accused Sanjay @ Sanni @ Chhotu.

3. This Court, on 10.08.2022, granted interim bail to the petitioner in following manner:-

“Learned counsel for the petitioner contends that the co-accused, namely, Rakesh @ Sonu has been granted the concession of bail pending trial by this Court vide order of even date. He further contends that petitioner is in custody since 18.05.2018 and on last two occasions, no prosecution witness came forward for deposition.

Learned State counsel seeks time to verify the above factual position.

Posted on 02.09.2022.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below. Also

contends that as on today, there is no other criminal case pending against the petitioner.

5. Learned State Counsel on instructions from Inspector Surender Singh has acknowledged the above factual position.

6. Heard both sides and perused the paper-book.

7. Keeping in view the facts that petitioner is fully cooperating before the Court below and there is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending the petitioner in custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 10.08.2022, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

12. Disposed off accordingly.

March 9th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No