

CRM-M-16662-2023

2023:PHHC:052520

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

CRM-M-16662-2023

Decided on:-17.04.2023

Sahil @ Raju

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvesh Bhargave, Advocate and
Ms. Preeti Sharma, Advocate,
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Mr. DPS Bajwa, Advocate,
for the complainant.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.44 dated 02.02.2022, under Sections 302, 120-B, 34 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Uchana, District Jind, Haryana.

As per the allegations levelled in the FIR, one Sombir (cousin brother of the complainant) was murdered by inflicting fire arms injuries at the hands of Sonu, Monu, Sachin as per the plan of Subham @ Kalu and Sunil @ Bhora, wherein, the name of the petitioner figured later on the basis of statement made by the father of deceased, namely Ishwar @ Kala.

Learned counsel for the petitioner submits that the petitioner has already suffered incarceration for a period of more than 9 months now and the investigation in the present case already stands concluded with the filing of challan. He further submits that no recovery has been effected from the petitioner and even as per the statement of Ishwar @ Kala i.e. the father of the deceased, no active role in the incident in question has been attributed to the petitioner.

On the other hand learned State counsel vehemently opposes the prayer made in the present petition while submitting that it is the petitioner, who at the first instance extended threats to the victim and even posted his own photographs on the facebook with fire arm in his hand.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of learned counsel for the petitioner.

In the present case, from the perusal of FIR as well as statement of Ishwar @ Kala, no specific and categoric role has been attributed to the petitioner, who has already suffered incarceration for a period of 9 months and the investigation in the present case already stands concluded with the filing of challan and the trial is likely to take some time. Besides it, the incident in question took place on 02.02.2022 and the FIR was registered immediately thereafter on the same day, whereas, statement of Ishwar @ Kala, implicating the petitioner was recorded much thereafter on 20.02.2022, which still has to stand the scrutiny of trial. Moreover, even the photographs showing the petitioner with fire arm in his hand were uploaded much prior to the incident in question and the relevance thereof has also to be established

before the court below.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

17.04.2023

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(HARKESH MANUJA)
JUDGE

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