

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-38449-2023

Date of Decision.:21.08.2023

Sukhbir @ Rajender @ Sukhveer

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Prashant Singh Chauhan, Advocate
for the complainant.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of 3rd petition filed under Section 439 Cr.P.C in case FIR No.163 dated 25.05.2019 registered under Sections 148, 149, 302, 307 of the IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station City Rewari, District Rewari.

2. The first bail petition of the petitioner was dismissed vide order dated 27.08.2020 in CRM-M-19739-2020 (Annexure P-15) whereas second bail petition of the petitioner was dismissed vide order dated 23.11.2021 in CRM-M-817-2021 (Annexure P-16).

3. It is contended by learned counsel for the petitioner that neither the complainant of the case Mahesh nor the eye-witness Dinesh have

supported the prosecution version. Learned counsel further contends that similarly placed co-accused Sonu @ Dhakad and Sandeep have already been allowed regular bail by this Court vide order dated 20.07.2023 (Annexure P-7) in similar circumstances.

4. Notice of motion.

5. Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent- State.

6. The factual position is not disputed by learned State counsel to the effect that petitioner is not named in the FIR and none of the fire shot injury is attributed to the petitioner.

7. Memo of appearance on behalf of complainant has been filed by Mr. Prashant Singh Chauhan, Advocate, which is taken on record.

8. Learned counsel for the complainant also conceded the fact that said Mahesh and eye-witness Dinesh have not supported the prosecution case qua the petitioner before the Trial Court.

9. As per the custody certificate placed on record by learned State counsel, petitioner is in custody for the last 04 years 02 months and 10 days, though he is involved in three other cases.

10. Having regard to the fact that similarly placed co-accused Sonu @ Dhakad and Sandeep have already been allowed regular bail by this Court vide order dated 20.07.2023 (Annexure P-7) in similar circumstances, therefore, on the basis of parity but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to

bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

August 21, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No