

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

204

CRM-M-53447-2022

Date of Decision:03.03.2023

Sandeep @ Bholu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.

Reply in the form of affidavit of Shri Rahul Dev, HPS, Deputy Superintendent of Police, Jhajjar, District Jhajjar has been filed by respondent- State. Same is taken on record.

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.197 dated 16.05.2022 registered under Section 302, 34 of IPC and Section 25 of the Arms Act, 1959 registered at Police Station City Jhajjar, District Jhajjar. At this stage, it is also pointed out by learned counsel for the petitioner that later on Section 379B, 511, 216 of IPC & Section 27 of the Arms Act were also added.

Allegations as per the FIR are that Sonu was shot dead by three - four young boys who had come with muffled faces.

Reply filed by the respondent-State reveals that with the help of CCTV footage, the killers were identified as Rohit S/o Hardwarilal, Monu @ Yogesh S/o Anup, Anurag @ Kali S/o Narender and Deepak S/o Netram. During disclosure statement of the arrested accused it was revealed that weapons to them were supplied by the petitioner. On the arrest of petitioner

on 30.05.2022, it was further found on his disclosure statement that after committing the crime one of the killer Monu had returned the pistol to the petitioner, which was later on recovered from him.

Contention of the learned counsel for petitioner is that petitioner is not named in the FIR nor he had gone to the spot to kill the deceased and the only attribution to him is supplying of the arms.

Learned State counsel has opposed the petition by urging that petitioner facilitated the commission of murder.

Since petitioner had not gone to the spot, so it will be a moot question as to whether he will be responsible for committing the offence under Section 302 IPC or not. At this stage, it is sufficient to notice that he was not at the spot when the killing took place. It is also conceded by learned State counsel that petitioner has no criminal antecedent.

Having regard to the aforesaid facts and circumstances, and the fact that trial may take time to conclude, petitioner is admitted to bail on his furnishing bail bonds/surety bond to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

March 03, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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