

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

CRM-M-16706-2023**Decided on:-09.02.2024**

Sunil Kumar @ Dholu

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bikram Chaudhary, Advocate and
Mr. Shashi Bharat Bhushan, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.43, dated 07.02.2022, registered under Sections 201, 302, 34 and 346 IPC (Section 346 IPC deleted), at Police Station Bhuna, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been implicated along with his other accomplices, namely, Gaurav, Sandeep and Pardeep, for having murdered Vineet, with further allegations of having disposed of the dead body of the victim.

3. The prayer made on behalf of the petitioner has been vehemently opposed at the instance of learned State counsel while referring to the manner in which the offence was committed, the deceased having been tied up with a Cot and thereafter strangled and further throwing of his dead

body in a canal, besides referring to the antecedents of the petitioner and his involvement in four other cases.

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

5. In the present case, the petitioner was implicated on the basis of disclosure statement made by co-accused Gaurav and as per his disclosure statement, the role of the petitioner primarily is of helping the main accused in disposing of the dead body of the victim, namely, Vineet. The petitioner has already suffered incarceration for a period of almost 02 years now. The investigation in the present case already stands concluded with the filing of challan, followed by framing of charges on 24.11.2023, however, only 01 witness out of total 32 witnesses has been examined so far. The trial is likely to take some time. Moreover, the petitioner stands acquitted in two FIRs relating to the provisions of IPC and in remaining two cases pending trial, he is on bail. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

09.02.2024
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(HARKESH MANUJA)
JUDGE

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