

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

**CRM-M No.1990 of 2020 (O&M)
Date of decision: 07.08.2020**

Sanjeev

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Raman Sharma, AAG, Haryana
for the respondent -State.

Daya Chaudhary, J.

CRM No.8565 of 2020

This application has been moved for placing on record
Annexures P-6 and P-15(colly).

Application is allowed. Annexures P-6 and P-15 (colly) are
taken on record.

CRM-M No.1990 of 2020

Petitioner-Sanjeev has filed the present petition under Section
439 Cr.P.C. for grant of regular bail to him in case FIR No.25, dated
04.03.2017 registered under Sections 148, 149, 323, 342, 365, 302, 307 IPC
at Police Station Sadar Kaithal, Haryana.

Learned counsel for the petitioner submits that the petitioner
has falsely been implicated in the case whereas he was not involved. No
specific role has been attributed to him. Learned counsel further submits

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that complainant-Mohit Singh himself is an accused in FIR No.008 dated 04.03.2017 registered under Section 6 of the POCSO Act and Sections 323, 365, 376-D and 206 IPC. The present FIR was registered just to put a pressure upon family members of Neha. Initially, the petitioner was arrested and his signatures were obtained on various blank papers, which were subsequently converted into disclosure statements and false recovery of Danda has been shown to have been recovered from him. Learned counsel also submits that the petitioner is in custody since 04.03.2017. Material witnesses have been examined and the case was fixed for final arguments. No other case is pending against the petitioner. Learned counsel also submits that two criminal revisions are pending before this Court. In case, criminal revisions are allowed, then *de novo* trial would be there. Thereafter, it would take long time in conclusion of trial. Learned counsel also submits that co-accused of the petitioner, namely, Subhash, has been released on regular bail and the present petition has been filed under changed circumstances.

Learned State counsel has not disputed the custody period and pendency of two criminal revisions as well as bail of co-accused and also the fact that no other case is pending against the petitioner but has opposed grant of regular bail to the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel. I have also perused the contents of the FIR and other documents available on the file.

Admittedly, the petitioner is in custody since 04.03.2017 and

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no other case is pending against him. It is also not disputed that all the prosecution witnesses were examined and thereafter, statement of accused under Section 313 Cr.P.C. was recorded. Subsequently, an application under Section 319 Cr.P.C. was moved and against said order passed in that application, two criminal revisions are pending before this Court.

By considering that the petitioner is in custody since 04.03.2017 and the fact that two criminal revisions are pending before this Court, which may take some time in final disposal; co-accused of the petitioner, namely, Subhash, has been released on regular bail vide order dated 20.04.2018 in CRM-M No.6973 of 2018 and no other case is against him, the present petition is allowed and the petitioner (Sanjeev) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

07.08.2020
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No