

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

**CRM-M-6134 of 2020
Date of Decision: 20.05.2020.**

Akash Sharma @ Kandy

....Petitioner

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Akash Sharma @ Kandy** in case F.I.R. No.185 dated 02.09.2019 under Sections 148, 307, 323, 324, 326, 341, 379-B, 427 and 506 IPC read with Section 149 IPC registered at Police Station Haibowal, District Ludhiana.

Notice of motion.

Mr. Amit Mehta, Senior DAG, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to learned State counsel.

Learned counsel for the petitioner *inter alia* contends that

petitioner has no nexus whatsoever with the alleged offence. He further submits that petitioner is in custody since 18.09.2019 and he is no more required by the Police for any investigation purpose. He further urges that after completion of investigation, challan has already been presented in the Court. He further urges that no specific injury on the person/s of victim/injured has been attributed to petitioner. He further submits that alleged attributed role of petitioner is not specific and even otherwise no injury dangerous to life is attributed to him. He further urges that co-accused namely Nikhil Gill and Bablu Jhanjot have been granted anticipatory bail by this Court while co-accused Sonu Kalyan has been granted interim anticipatory bail by this Court. He further urges that co-accused Harsh Gupta has been granted regular bail by this Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 18.09.2019; that petitioner is no more required by the Investigating Agency for

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investigation purpose; that challan has already been presented in the Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-Akash Sharma @ Kandy is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana, as the case may be. However, petitioner has been given liberty to defer the furnishing of surety bond due to COVID-19 and he is directed to furnish the surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana, as the case may be, on culmination of nationwide lockdown due to COVID-19.

(LALIT BATRA)
JUDGE

20.05.2020

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