

CRM-M-12397-2020 (O&M)

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

**CRM-M-12397-2020 (O&M).
Decided on: June 11, 2020.**

Anil

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Abhimanyu Singh, Advocate,
for the petitioner.**

Mr.Apoorv Garg, DAG. Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in FIR No.290 dated 24.9.2019, under Sections 307, 384, 506 and 34 IPC read with Section 25/54/59 of the Arms Act, registered at Police Station, Siwani, District Bhiwani.

The allegations as contained in the FIR are that one

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Ranbir Singh had reported that while he was present in his house, three persons came and demanded Rs.2,00,000/- from him and on his refusal to do so, one Anil @ Bijender fired a firearm shot towards him and other two persons accompanying him were the present petitioner Anil and one Kapil.

Learned counsel for the petitioner has submitted that the petitioner was not involved in the present case and he has been wrongly roped up in the present case. He has further submitted that even otherwise the only alleged recovery from him was that of a '**danda**' and no firearm was recovered from him. He has further submitted that the petitioner is in custody since 24.9.2019. The next date of hearing fixed before the trial Court is 13.8.2020, for prosecution evidence, however, no witnesses has been examined as yet. He has further submitted that earlier also the petitioner had filed a petition for regular bail in this Court vide CRM-M-1763 of 2020, which was dismissed as withdrawn on 21.01.2020. He has further submitted that there has been change of circumstances now as the trial is not commencing in view of Covid – 19, epidemic, in the State. He has referred to the order passed by a Coordinate Bench of this Court in CRM-M-12465-2020, whereby another similarly situated co-accused namely Kapil has already been granted the concession of regular bail on 27.5.2020, during the lock down period. Therefore, learned counsel for the petitioner prays that in view of the changed circumstances, the present petitioner be also granted the concession of regular bail.

On the other hand, learned State counsel has admitted that similarly situated co-accused namely Kapil has been granted the

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concession of regular bail by a Coordinate Bench of this Court on 27.5.2020. He has further submitted that no prosecution witness could be examined due to Covid – 19 epidemic.

I have heard the learned counsel for the petitioner as well as the learned State counsel through video conferencing and have gone through the soft copy of the record of the case.

It is not in dispute that investigation of the case is complete and now the case is at the stage of prosecution evidence and is fixed for 13.8.2020. It is also not disputed that similarly situated co-accused namely Kapil has already been granted the concession of regular bail by a Coordinate Bench of this Court on 27.5.2020. The present petitioner whose name is also Anil was allegedly part of the incident and from him, as per the prosecution story, only a '*danda*' has been recovered and the gun shot injury has been attributed to another co-accused namely Anil @ Bijender who is named in the FIR.

Considering the totality of the circumstance as aforesaid i.e. similarly situated co-accused having been granted the concession of regular bail by a Coordinate bench of this Court on 27.5.2020 and the fact that the petitioner is in custody since 24.9.2019, I deem it fit and appropriate to admit the petitioner on regular bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, Bhiwani.

However, anything observed hereinabove shall not be

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treated as an expression of opinion on merits of the case and is meant only
for the purpose of decision of present petition.

June 11, 2020.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No