

CRM-M-12806-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-12806-2020

Date of Decision: 8th June, 2020

Shahrukh Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Ms. Monika Thakur, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Abhimanyu Singh, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.531, dated 28.09.2018, registered at Police Station Sector 9-A, District Gurugram, under Sections 364 & 34 IPC (Section 120-B, 148, 149, 201 and 302 of IPC added later on & Section 34 IPC deleted), where the petitioner has been arrested on 28.09.2018 and since then, he is in custody.

Counsel for the petitioner contends that the petitioner has not been named in the FIR. Assertion has been made that the petitioner is alleged to have been involved in the commission of offence where initially,

kidnapping was resorted to with a further beatings given to the said person i.e. Rohit leading to he having died. It is asserted that there were 14/15 boys, who kidnapped the deceased from Gali No.9. Three motorcycles and three scootys were used in the commission of said offence. Out of total 44 witnesses, who have been cited by the prosecution, only 9 witnesses have been examined and the next date of hearing before the trial Court is 07.07.2020. Assertion has been made that the trial is not likely to conclude in near future especially in the light of the prevailing pandemic. Contention has been raised that similarly placed co-accused, namely, Rohit @ Bholu, Akash and Tarun Raghav have been granted the concession of bail by this Court vide orders dated 07.02.2020 and 06.03.2020 passed in CRM-M-4778-2020, CRM-M-9037-2020 and CRM-M-9925-2020 respectively. Counsel, thus, contends that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State as also the complainant assert that there is an eye-witness, namely Akhil, who has named these persons as the ones who were involved in the kidnapping of deceased - Rohit. They assert that a motorcycle has been recovered from the petitioner and his involvement in the offence stands fortified. The other factual assertions as put forth by the counsel for the petitioner relating to the witnesses cited, examined and the period of custody including grant of bail by this Court to three co-accused could not be denied by them.

I have considered the submissions made by the learned counsel for the parties and keeping in view the above facts and circumstances especially in the light of the fact that three co-accused, who are similarly

CRM-M-12806-2020

placed as the petitioner, have been granted the benefit of regular bail by this Court, details whereof have been pointed out by the counsel for the petitioner and copies of the orders placed on record as Annexure P-3 (colly), the petitioner is granted the bail when in the prevailing circumstances with only nine prosecution witnesses out of total 44 having been examined, the trial is not likely to conclude in near future, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurugram.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

8th June, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No