

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

**CRM-M No.15951 of 2020 (O&M)
Decided on: 30.09.2020**

Ramesh @ Pahalwan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.177 dated 01.11.2018, for offence punishable under Sections 379-A of the Indian Penal Code, 1860 (in short 'IPC') (Section 379-A IPC stands deleted and Sections 395, 201 IPC added) registered at Police Station Garhi, District Jind.

The earlier one was dismissed as withdrawn on 28.08.2019.

Counsel for the petitioner has submitted that the petitioner was granted the concession of regular bail in FIR No.195 and his custody in the present case is 01 year and 09 months and the complainant has already been examined before the trial Court and there is no possibility for the petitioner to tamper with the prosecution evidence as only official witnesses remain to be examined. It is further submitted that for the last about 06 months, there is no progress in the trial and it is being delayed.

Counsel for the petitioner has also argued that two of the co-accused of the petitioner namely Rahul @ Monu and Sandeep, who are similarly situated and were identified by the complainant, have already been granted the concession of regular bail vide order dated 10.02.2020 passed in CRM-M No.49903 of 2019 and dated 27.05.2020 passed in CRM-M No.33145 of 2019.

Counsel for the State, while opposing the prayer for bail, has argued that keeping in view the serious allegations against the petitioner, he does not deserve the concession of bail as Rs.9,000/- was recovered from him.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year and 09 months; the complainant has already been examined before the trial Court; the co-accused of the petitioner namely Rahul @ Monu and Sandeep, have already been granted the concession of regular bail and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.09.2020
yakub

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