

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

CRM-M-16843-2020

Date of decision:-17.9.2020

Sumin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Virender Soni, Advocate the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Reply filed by the State, which be taken on record.

This petition for regular bail has been filed by petitioner Sumin, aged about 30 years, an accused in FIR No.100 dated 16.2.2019 for the offences under Sections 379-A, 387, 392, 506, 34 IPC (120-B, 397 IPC added later on) and Section 25 of the Arms Act, registered with Police Station City, Rohtak, District Rohtak.

In nutshell, the facts of the case as per the prosecution story are that on 15.2.2019 at about 7:15 p.m. when the complainant Sanjay Malik was in the process of closing his Exide Battery Shop near Bangar

Cinema, Rohtak, then three boys with muffled faces came there and asked him to give a battery. When the complainant refused to do so, then one of the boys pointed a pistol on his forehead and brought him in the cabin of the shop. The criminals took out Rs.34,000/- from the drawer of the table and snatched the purse of the complainant containing currency notes of Rs.9,000/-, debit cards of HDFC and Axis Bank besides mobile phone of the complainant make Apple containing SIM No.92159-70095. Further, the criminals had demanded Rs.50 lakhs as ransom from the complainant. On the basis of such statement of complainant, formal FIR was registered. Accused was arrested in this case on 11.3.2019. After completion of investigation, challan has been filed in the Court and trial against the accused is pending. The petitioner had approached the Court of Sessions at Rohtak seeking regular bail by moving two applications but was unsuccessful inasmuch as the first bail application was dismissed by learned Sessions Judge, Rohtak on 20.4.2019 and the second application was dismissed by learned Additional Sessions Judge, Rohtak on 27.8.2019. The petitioner had earlier filed a petition before this Court, which was however withdrawn. Now the petitioner has again approached this Court by way of filing the present petition craving for the similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that co-accused of the petitioner namely Neetu has been granted regular bail by this Court in CRM-M-13728-2020 decided on 16.6.2020. The conclusion of the trial is likely to take some time, as such, the petitioner be granted

regular bail on the ground of parity and even otherwise on merits.

Learned State counsel has opposed the request contending that the petitioner is a habitual criminal and he is involved in several other cases detailed in the written reply. Therefore, the petition be not accepted.

After hearing the rival contentions of learned counsel for the parties, I find that the petition calls for acceptance firstly for the reason that a similarly placed accused has been granted this very concession by a Co-ordinate Bench of this Court; secondly for the reason that the conclusion of trial is likely to take considerable time, keeping in view the present scenario of Covid Pandemic affecting the functioning of the Courts. As far as the accused being involved in several other criminal cases, as averred in the written reply in case FIR No.416 dated 5.10.2016, under Section 25 of the Arms Act, registered with P.S. Kharkhoda, he has since been acquitted by the trial Court. In case FIR No.240 of 2016 under Section 25 of Arms Act, P.S. Old Sabzi Mandi, Rohtak, he is on bail though facing trial. In case FIR No.643 dated 26.9.2016, under Sections 148, 149, 307, 506 IPC and SC/ST Act and 25 of Arms Act, Police Station City, Rohtak, he is shown to have been discharged. In case FIR No.580 of 2017, under Sections 363, 366-A, 467, 468, 471, 120-B, 195, 420 IPC and POCSO Act, P.S. City, Rohtak, the petitioner has been acquitted.

Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Rohtak, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of

hearing;

(ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

17.9.2020
Brij

(H.S. MADAAN)
JUDGE

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