

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

CRM-M-17458 of 2020(O&M)

Date of Decision: 07.07.2020

Vikas @ Mota

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.K.L.Saini, Advocate
for the petitioner.

Mr. Anmol Malik, DAG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.282 dated 27.08.2019, under Sections 147, 148, 216, 323, 427, 307, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Civil Lines, Bhiwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case and even as per the allegations in the FIR, the petitioner is not attributed with any fire arm injury etc. Moreover, a similarly situated co-accused, namely Anil @ Kamal Band, it is stated has been afforded the concession of bail on 03.07.2020 in CRM-M-15748 of 2020. It is further stated that the complainant has named the petitioner due to certain misunderstandings which is evident from the affidavit of the complainant attached as Annexure P-1. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Ram

Niwas, verifies that the final report under Section 173 Cr.P.C., stands presented. The petitioner is in custody since 19.09.2019 and is not stated to be involved in other criminal case. Learned counsel for the State is unable to deny that the present petitioner is identically placed as the co-accused Anil @ Kamal Band, who has been afforded the concession of bail on 03.07.2020 in CRM-M-15748 of 2020.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Vikas @ Mota, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

07.07.2020
s.khan

[LISA GILL]
Judge

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