

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

(Heard through VC)

CRM-M-18962 of 2020 (O&M)
Date of Decision: November 18, 2020

Shyam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepender Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

Mr. S.K. Panwar, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.239 dated 12.05.2020, under Sections 148, 149, 307, 323, 506 of Indian Penal Code and Section 25/54/59 of Arms Act, registered at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 13.05.2020. It is argued that the allegations as set out in the FIR are wrong. It is submitted that though the name of the petitioner has been reflected in the FIR,

however, no role has been attributed to him. It is also argued that statement of the complainant has been recorded, in which, she has stated that Tejram is the person, who has fired from the gun whereas, the role attributed to the petitioner and three others is of pelting stones. It is further argued that Mahkan, who is also attributed the role of pelting stones, has already been allowed regular bail by this court by an order dated 07.08.2020 passed in CRM-M-21639 of 2020 whereas, two others persons mentioned in the statement have already been found innocent. It is also contended that it will take sufficient time to conclude the trial, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner. However, he does not dispute the fact that statement of the complainant has been recorded and that co-accused Mahkan has already been allowed regular bail by this court.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 13.05.2020; statement of complainant has been recorded; co-accused Mahkan has already been allowed regular bail by this court and that conclusion of trial will take sufficient time, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

It is also made clear that in case, there is any complaint received against the petitioner for intimidating or harassing the complainant, the regular bail allowed to the petitioner would be liable to cancellation.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 18, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

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