

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

CRM-M-20026-2020 (O&M)
Date of Decision: August 10, 2020

Mukesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amaninder Preet, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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. 332 dated 23.09.2019, under Sections 379-B, 392, 394, 397 Indian Penal Code and Section 25 of Arms Act registered at Police Station Civil Lines Sonapat, District Sonapat.

Learned counsel for the petitioner at the very outset contends that the petitioner herein was taken into custody since 25.09.2019 and that the petitioner has been falsely implicated in the present case while relying

upon the statement given by the complainant and her husband. It is argued that he was not named in the FIR and there is a categorical statement of both the complainant in this regard which reflect that no Test Identification Parade has been conducted before he was arrayed in the said matter. It is also argued that the bail of the co-accused was allowed by the Court below while his was denied primarily on the ground that if he is released on bail, he would pressurize the witnesses while further contending that the material witnesses have already been examined and the matter is pending for defence witnesses only and that the conclusion of trial will take sufficient time, therefore, 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, while submitting that offences alleged against the petitioner are serious in nature, as the petitioner was involved in the scuffle and that the complainant has identified the petitioner in Court as the person holding a pistol, however, does not dispute the fact that no Test Identification Parade has been conducted and that the material witnesses have been examined.

I have heard learned counsel for the parties.

In view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 25.09.2019 and that the material witnesses have been examined and the co-accused is granted bail by the Court below, 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.

August 10, 2020	(JAISHREE THAKUR)
<i>seema</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No