

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

CRM-M-21037-2020

Date of Decision: 13.08.2020

Amit

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., seeking 'regular bail' for the petitioner in case FIR no. 415, dated 14.10.2018, registered at Police Station Badhra, District Charkhi Dadri, for the alleged commission of offences punishable under Sections 147, 148, 149, 302, 307, 323 and 341, 186, 325, 332 and 353 of the IPC.

Learned counsel for the petitioner submits that even as per the FIR the petitioner has been attributed only a role of holding a '*Danda*', though along with others allegedly he is also alleged to have beaten up those on the side of the complainant, leading to the death of two persons; but with three persons similarly situated to the petitioner already having been admitted to bail by this court, those persons being Amit, son of Mahinder, Raj Singh, son of Jas Ram and Sombir, son of Parladh.

He further submits that the petitioner having been in custody for the past 09 months now and with the trial not progressing because of the ongoing pandemic and with a large number of witnesses still to be examined, he deserves to be granted bail on parity, if not on merits itself.

Learned State counsel submits that the petitioner being one of the group of the persons who attacked the complainant and his companions, armed with weapons, and the '*danda*' also having been recovered from the petitioner, he does not deserve the concession of bail.

However, the period of custody, as also the fact that three other co-accused have been admitted to bail with similar roles attributed, could not be denied by him.

That being so, looking at the fact that only one prosecution witness out of 46 has been examined so far and three co-accused of the petitioner have already been admitted to bail, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

August 13, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.