

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

**CRM-M-21762-2020 (O&M)
DATE OF DECISION : 13.08.2020**

Kaptan @ Jantry

... Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Anoop Kumar Yadav, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 736 dated 12.12.2019 registered under Sections 323, 325, 394, 398, 427, 459, 506 read with Section 34 IPC and Section 25 of Arms Act, Police Station City Narnaul.
2. Per FIR, on the night intervening 11/12.12.2019, one Manoj @ Kullu along with three unidentified persons tried to rob cash box on gun point. In the process, they attacked Amritpal and Narenderpal. On hearing the noise, complainant Sher Singh also reached there, followed by Ranveer Singh and Balbir Singh. The accused fled from the spot and while breaking the glass of a car parked there, they caused criminal intimidation. During investigation, petitioner, Ashish Kumar @ Lathi and Bijender @ Tawar were found to be involved.
3. Learned counsel for the petitioner contends that even though petitioner was not named in the FIR but yet he has been in custody since 15.01.2020. According to him, per affidavits (Annexure P-2) sworn by complainant and Amritpal, the petitioner has been exonerated. It will be moot question at trial as to who the culprits are. He further submits that co-accused

Ashish @ Lathi and Bijender @ Tawar have been granted the concession of regular bail by this Court by virtue of orders dated 21.07.2020 passed in CRM-M-16761 of 2020 and 12277 of 2020, respectively. The petitioner ought to be given similar concession on the ground of parity. According to him, investigation is over and there are bleak chances of petitioner's conviction in view of the affidavits sworn by the complainant. According to him, due to Covid-19 pandemic, there is no likelihood of trial commencing or concluding in near future.

4. Learned State counsel, on the other hand, has not disputed the factum of grant of bail to co-accused, filing of challan and the affidavits sworn by the complainant and the eye-witness exonerating the petitioner.

5. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars, particularly in view of the fact that the complainant and eye-witness has shown hostility towards the prosecution version by deposing affidavits (Annexure P-2). The petitioner is in custody since 15.01.2020. That apart, on the ground of parity also, the petitioner is entitled to be released on bail. Moreover, trial is not likely to conclude any time soon on account of current pandemic conditions caused by Covid-19, where the Courts are working with restrictions and taking up only urgent matters.

6. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Narnaul, as the case may be.

(ARUN MONGA)
JUDGE

August 13, 2020
Jiten

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