

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

CRM-M-22830-2020

Date of decision : 21.08.2020

Ramesh Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. NipunVashist, Advocate, for the petitioner.
Mr. Sandeep Singh Mann, Addl. A.G., Haryana.
Mr. Suresh Kumar Verma, Advocate, for the complainant.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.275 dated 10.06.2017 under Sections 147, 148, 149, 302, 323 and 506 of the Indian Penal Code, 1860 (for short, 'IPC') registered at Police Station Sadar Dadri, District Charkhi Chadri.

Learned counsel for the petitioner has submitted that a similarly situated co-accused - Sumit Kumar has been granted bail by this Court vide order dated 04.08.2020 in CRM-M-10480 of 2020. Learned counsel for the petitioner would contend that the present petitioner is seeking parity inasmuch as the role attributed to the co-accused Sumit Kumar is the same as attributed to the petitioner. Learned counsel for the petitioner would further contend that the FIR was registered on the statement of one Arun wherein it was alleged that Tek Ram, one of the co-accused, had inflicted an 'Axe' blow on the head of the deceased. As far as the present petitioner is concerned, he is alleged to have given 'Jailly' blow to some of the witnesses of the occurrence. The petitioner has been in custody since 28.06.2017.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Mann, Additional Advocate General, Haryana has put in appearance through video conferencing and accepts notice. He is not in a position to controvert that the co-accused Sumit Kumar has been granted bail vide order dated 04.08.2020 passed in CRM-M-10480-2020.

I have heard learned counsel for the parties.

In view of the above, without expressing any opinion on the merits of the case, and in view of the fact that the trial is not likely to be concluded in the near future and that the petitioner has been in custody since 28.06.2017, the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Charkhi Dadri.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition stands disposed off accordingly.

August 21, 2020
tripti

(ALKA SARIN)
JUDGE

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