

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

205

**CRM-M-23018-2020 (O & M)
Date of Decision:17.09.2020**

KASHISH SHRIVATAVA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Chandan Gulati, Advocate
for the complainant.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-23271-2020

Prayer in the application is for adding the offence under Section 427 IPC in the prayer clause as well as in the head note of the main petition.

Notice of the application to the non-applicant.

Ms. Sheenu Sura, DAG, Haryana accepts notice on behalf of the State. She is assisted by Mr. Chandan Gulati, Advocate for the complainant.

Counsels have no objection, in case the prayer is accepted.

Application is allowed and the offence under Section 427 IPC is ordered to be incorporated at the appropriate places in the petition.

Main case

Petitioner namely Kashish Shrivatava son of Surinder Shrivatava has filed the present petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No.202 dated 28.06.2020 registered under Sections 379-B/323/506/34 IPC and Section 427 IPC (added later on) at Police Station Chandi Mandir, District Panchkula (Annexure P-1).

Learned counsel for the petitioner has submitted that the petitioner, who is a young boy of 24 years of age, is working as a web designer in the IT Sector. He submits that no specific allegation regarding any attribution has been levelled against the petitioner. He has placed reliance upon order dated 10.09.2020 passed by this Court in CRM-M-24284-2020 titled as 'Rakesh Kumar versus State of Haryana' and order dated 14.09.2020 passed in CRM-M-26211-2020 titled as 'Vaibhav versus State of Haryana' and contends that the case of the petitioner is at par with both the said co-accused, who have been granted regular bail by this Court.

Per contra, State counsel assisted by Mr. Chandan Gulati, counsel for the complainant upon instructions from ASI Mann Singh have opposed the petition and argued that the petitioner and co-accused had attacked the complainant without any provocation and, therefore, the petitioner does not deserve the concession of bail.

I have considered the rival submissions of the parties.

After examining the orders passed by this Court on 10.09.2020 and 14.09.2020, I am of the view that there is a parity in the case of the petitioner with that of the co-accused, who have been granted the concession of regular bail. The petitioner is in custody since 28.06.2020.

Keeping in view period of incarceration of the petitioner, the nature of injuries allegedly sustained by the complainant/injured and the fact that the conclusion of the trial is likely to take sometime, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any criminal activity, it will be open to the prosecution to seek cancellation of his bail.

17.09.2020

sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No