

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

208

**CRM-M-26092-2020
Decided on : 10.09.2020**

Shayam @ Shyama

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. J.P. Jangu, Advocate,
for the petitioner(s).

Mr. Apoorv Garg, DAG, Haryana
assisted by ASI Rajpal.

MANJARI NEHRU KAUL, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

This present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 176, dated 13.09.2019, under Sections 147, 149, 323, 436, 452 IPC (later on Sections 147, 148 were deleted and Section 34 IPC added), registered at P.S. Behal, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner has been in custody since 15th September, 2019 and only charges have been framed till date. He further contends that similarly situated co-accused Parveen @ Pran has since been enlarged on bail. Hence, he may also be extended the concession of regular bail.

Per contra, learned State counsel while opposing the submissions and prayer of the learned counsel for the petitioner has submitted that the case of the petitioner is clearly distinguishable from the

case of co-accused Parveen @ Pran, who was granted the concession of regular bail. Learned State counsel has contended that the name of the co-accused Parveen @ Pran did not find mention in the FIR and he was arraigned as an accused only on the basis of disclosure statement made by the petitioner before the police, whereas, the petitioner on the other hand was not only named in the FIR in question, but there were specific allegations levelled against him of assaulting the complainant with a stick and thereafter sprinkling kerosene oil all over the vend before setting it on fire. Learned State counsel has submitted that the petitioner is a man of criminal antecedents and there are three other cases registered against him, which are as follows:

1. FIR No. 129, dated 22.07.2017, under Sections 147, 148, 149, 452, 506, 307 IPC & Sections 25, 54, 59 of the Arms Act, registered at P.S. Siwani.
2. FIR No. 176, dated 22.09.2018, under Sections 323, 341, 506, 427, 34 IPC, registered at P.S. Behal.
3. FIR No. 7, dated 11.01.2019, under Sections 25, 54, 59 of the Arms Act, registered at P.S. Behal.

The learned State counsel has further apprised the Court on instructions that prosecution evidence has not yet commenced and hence, he may not be released on regular bail.

Heard.

No doubt, the charges were framed on 20th February, 2020, however, due to the prevailing situation on account of outbreak of COVID-19, the prosecution evidence has not yet been recorded. In the circumstances and seeing to the criminal antecedents of the petitioner, there is every likelihood of the prosecution witnesses being influenced and pressurized by the petitioner to depose in his favour. Hence, no ground is

made out to grant the concession of regular bail to the petitioner. Accordingly, the present petition stands dismissed. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 10, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*