

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

227

CRM-M-27333-2020

Date of decision : 17.11.2020.

INTZAR

... Petitioner(s)

Versus

STATE OF HARYANA

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Aman Pal, Advocate for the petitioner(s).

Ms. Aditi Girdhar, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.707 dated 02.08.2018, under Section 406 IPC (Sections 396, 323, 120-B IPC and Sections 25 of the Arms Act added later on), registered at Police Station Model Town, Panipat.

Learned counsel for the petitioner contends that no overt act has been attributed to the petitioner and he was alleged to be standing outside when the alleged dacoity was committed. He further contends that the complainant, who is the sole eye witness of the occurrence, in her deposition as PW-5, did not allege any overt act with regard to the petitioner's involvement. He also contends that the petitioner is in custody for over 02 years, 02 months since his arrest on 22.09.2018 and is not involved in any other criminal case. Co-accused, namely, Sunny has been granted regular bail by this Court in **CRM-M-8219-2020** on 21.08.2020.

Learned State counsel, upon instructions from ASI Virender Singh, contends that 5 out of 17 prosecution witnesses have been examined. She further contends that the petitioner is alleged to have participated in the occurrence and had kept guard of the area prior to the commission of the offence. She, however, is not in a position to controvert the submissions of the counsel for the petitioner that the complainant (PW-5), in her deposition, did not depose with regard to any overt act on the part of the petitioner. She also contends that recovery of motorcycle has been effected from the petitioner.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over 02 years 02 months, he is not involved in any other criminal case, co-accused has been granted bail; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

November 17, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No