

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

**CRM-M No.27251 of 2020 (O&M)
Date of decision : September 17, 2020**

Pardeep Kumar Nain @ Sonu Petitioner

Versus

State of Haryana Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ashit Malik, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.343, dated 01.08.2019 registered under Sections 148, 149, 323, 324, 325, 307, 506, 427 and 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Sadar Thanesar, District Kurukshetra.

It is submitted by learned counsel for the petitioner that initially the case against the petitioner was registered under Sections 323, 324, 325, 506, 427 and 120-B IPC along with 25 of the Arms Act, 1959. In that case the petitioner was granted bail. When the petitioner was granted bail pending trial in the first instance, he was granted bail on the same set of facts as is alleged now. Thereafter, no new fact has been alleged by the police, except invoking more serious offence punishable under Section 307 IPC. But the petitioner was again arrested by the police. Thereafter, the petitioner is continuously in custody since 30.07.2020. The trial is likely

to take a longer time and the petitioner is not required for further investigation.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the respondent-State of Haryana.

Learned counsel for the State, being instructed by Inspector Surender Kumar, has submitted that there are serious allegations against the petitioner. Therefore, he was rightly re-arrested by the police. However, it is not disputed that there is no allegation of new facts, except addition of Section 307 IPC against the petitioner. It is also not disputed that earlier the petitioner was granted bail pending trial; and that he is not required for any further investigation.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

September 17, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No