

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-29138-2020

Date of decision: 14.10.2020

Pankaj Sharma @ Jony and another

.....Petitioners

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Rahul Rathore, Advocate
for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioners-Pankaj Sharma @ Jony and Sukhbir Singh @ Sukhi, stated to be aged 28 & 31 years respectively, have jointly filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.465 dated 10.10.2019 (Annexure P-1), registered under Sections 148, 149, 323, 427, 455, 379-B, 307, 302, 506 & 120-B of Indian Penal Code, at Police Station Sadar Thanesar, District Kurukshetra (Haryana).

Learned counsel for the petitioners, based on the pleadings, submits that the petitioners were arrested on 06.11.2019 and have thus, completed nearly one year of custody. He submits that a perusal of the FIR would show that there are general allegations in the FIR. Counsel further

submits that in a supplementary statement, 20 to 25 names were given, out of them, eight persons have been released on regular bail. One such order has also been appended here as Annexure P-7, which was passed by this Court on 06.08.2020 in CRM-M-15278-2020.

On instructions, learned State counsel submits that challan in this case, was presented on 09.01.2020. There are total of 37 witnesses, out of which, 11 have been examined and 26 are yet to be examined. He further submits that one another FIR is also pending against the petitioner-Sukhbir Singh and no FIR is pending against the petitioner-Pankaj Sharma.

Faced with the situation, learned counsel for the petitioners submits that the petitioners have a good prima facie case. He submits that perusal of the Annexure P-5 (statement of PW-2), would show that in fact, the eye-witnesses did not support the prosecution version nor the said witnesses identified the petitioner.

Learned counsel for the petitioners also submits that in view of the COVID situation, detention of the petitioners in jail would be dangerous to their lives and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to her furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not

be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

14.10.2020

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