

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M No.35769 of 2020

Date of Decision: November 11, 2020

Azad

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR JUSTICE VIVEK PURI

Present: Mr. Shokeen Singh Verma, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

VIVEK PURI, J. (Oral)

Case has been taken up through video conferencing in view of the outbreak of Pandemic COVID-19.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.136 dated 09.05.2020, under Sections 323, 377, 452, 506 and 34 IPC registered at Police Station Uklana, District Hisar.

As per the allegations in the FIR, on 09.05.2020, the petitioner along with three others gagged the complainant and pushed him on the ground. Two of them stood as guard at the premises and other two accused committed sexually wrong act upon the complainant.

It has been pointed out by learned counsel for the petitioner that he has not been named in the FIR, falsely implicated in the instant case,

arrested on 10.05.2020, the investigation is complete, challan has been presented and the trial is not likely to be concluded due to prevailing Covid-19 Pandemic. Further, it has been submitted that co-accused-Kuldeep has also been granted bail by Co-ordinate Bench of this Court in terms of decision dated 08.10.2020 passed in **CRM-M-26494 of 2020**.

On instructions from ASI Daya Ram, learned State Counsel has not assailed the factual aspects of the matter.

The allegations of commission of offence under Section 377 IPC have not been levelled against the petitioner and the petitioner had facilitated the commission of offence by guarding the premises where offence has been committed. The similarly placed co-accused has already been granted bail. As such on the principle of parity, the petitioner also becomes entitled to grant of concession of regular bail.

Considering the above and the fact that the trial is likely to consume sometime, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition stands allowed.

(VIVEK PURI)
JUDGE

November 11, 2020
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Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No