

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No.35943 of 2020

Date of Decision: November 11, 2020

Nishant

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR JUSTICE VIVEK PURI

Present: Mr. Minkal Rawal, 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.

2. Petitioner-Nishant has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.482 dated 09.08.2020, under Sections 323, 506, 34 IPC and Section 325 IPC and Section 3 of SC/ST Act added later on registered at Police Station Samalkha, District Panipat.

3. Briefly, the FIR has been registered on the basis of statement of the complainant alleging that on 05.08.2020, at about 10:00 A.M, the petitioner alongwith co-accused Gaurav Tyagi @ Gok and Abhishek Tyagi threatened him at the pistol point and were also armed with gandas and iron rod. They had uttered filthy remarks against the caste of the petitioner, abuse him and tried to make him drink urine.

4. It has been contended by learned counsel for the petitioner that the petitioner was arrested on 10.08.2020; no specific injury has been attributed to him, the recovery of iron rod has been effected from the petitioner; the investigation in the case is complete, challan has already been presented in the Court and the conclusion of trial is likely to take some time in view of prevailing Covid-19 Pandemic. It has been further stated that one of the accused namely Abhishek Tyagi is juvenile, who has been released on bail. Furthermore, the other similarly situated co-accused namely Gaurav Tyagi @ Gok has been granted regular bail by the Co-ordinate Bench in terms of decision dated 02.11.2020 passed in **CRM-M No.34317 of 2020**.

5. On the contrary, learned State counsel on instructions from HC Dinesh, has not assailed the factual aspects of the matter.

6. In the instant case, offences except offence under Section 3 of SC/ST Act, are bailable. The custodial interrogation of the petitioner is over and he is in judicial custody. The conclusion of the trial is likely to take some more time and similarly placed co-accused has been granted regular bail.

7. In these circumstances, the petitioner is also becomes entitled to the concession of regular bail on the principle of parity.

8. Therefore, without making any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(VIVEK PURI)
JUDGE

November 11, 2020
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