

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

228 **CRM-M No.37624 of 2020**
Date of decision:26.11.2020

Monu
... Petitioner

Vs.

State of Haryana
... Respondent

221 **CRM-M No.36114 of 2020**

Sunil
... Petitioner

Vs.

State of Haryana
... Respondent

221-2 **CRM-M No.34714 of 2020**

Mahesh
... Petitioner

Vs.

State of Haryana
... Respondent

221-3 **CRM-M No.35725 of 2020**

Pardeep Yadav
... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Yashveer Kharb, Advocate for the petitioner
in CRM-M No.37624 of 2020 and
CRM-M No.34714 of 2020.

Mr. Arjun Atri, Advocate for the petitioner
in CRM-M No.36114 of 2020.

Mr. Randeep S. Dhull, Advocate for the petitioner
in CRM-M No.35725 of 2020.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioners have filed these petitions under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.239, dated 31.07.2020 registered under Sections 147, 148, 149, 323, 325, 341, 342 and 427 of IPC, 1860 (Sections 186, 353 and 364 of IPC were added later on) at Police Station Badshahpur, District Gurugram.

Counsel for the petitioners have argued that the petitioners have been falsely implicated in the FIR. According to them allegedly, Pardeep Yadav, was arrested on the spot and on the basis of his disclosure statement, Mahesh was arrested. Thereafter, on further disclosure statement, the other two petitioners namely, Sunil and Monu

were arrested. Argument has been raised that the arrests have been made on the basis of disclosure statements, which are inadmissible in evidence. Counsel have placed reliance upon the reply filed by the State before learned Additional Sessions Judge to contend that even though, a test identification parade was fixed but the complainant did not turn up and co-operate as a result, the petitioners could not be identified. Counsel submit that the details of the vehicle allegedly used in the crime have not been mentioned in the FIR and the non-bailable offences under Sections 353 and 364 of IPC, which were added later on, are not made out. It has been submitted that Pardeep Yadav was arrested on 31.07.2020, Mahesh was arrested on 02.08.2020, Monu was arrested on 03.08.2020 and Sunil was arrested on 06.08.2020. Reliance has also been placed on the order dated 08.10.2020 passed by this Court whereby co-accused Anesh was released on bail. It has been asserted that as the trial is not progressing due to the outbreak of Corona Virus (Covid-19), the petitioners deserve to be released on bail.

Per contra, State counsel, upon instructions from ASI Sanjay Kumar, submits that accused, Monu, Sunil and Mahesh are alleged to have given injuries on the complainant and some recoveries were also effected from them. As per his instructions, Sunil and Monu are involved in another criminal case. Insofar as accused, Pardeep Yadav is concerned, State counsel submits that he was arrested from the spot and the vehicle used in the offence was recovered from him, though no injury is attributed to this accused. As per the MLR, the complainant suffered seven injuries including one fracture. He has been further instructed to

submit that challan was filed on 04.09.2020 though charge is yet to be framed.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioners, nature of allegations, gravity of offences, and order dated 08.10.2020 passed by this Court in CRM-M-31091-2020, *Anesh Versus State of Haryana* and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioners behind the bars any further.

Without commenting anything on the merits of the case, the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

26.11.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No