

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

-.-

**CRM-M-38330-2020 (O&M)
Date of decision : 09.12.2020.**

Sudhir

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Saurabh Dalal, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

CRM-29644-2020

This is an application for correction of Section 27 instead of Section 25 of the Arms Act, 1959 in the head-note and the prayer clause of the petition.

Allowed as prayed for subject to all just exceptions.

CRM stands disposed off.

CRM-M-38330-2020

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.319 dated 08.10.2020 under Sections 148, 149, 452, 506 of the Indian Penal Code, 1860 and Sections 27, 54, 59 of the Arms Act, 1959 registered at Police Station Sadar Jhajjar.

Learned counsel for the petitioner has contended that the similarly situated co-accused - Ajit - has been granted bail by the Trial Court. However, the same has been denied to the petitioner only on the ground that if he is released he may influence the witnesses of the Prosecution.

Learned counsel for the State, on instructions from ASI Davinder Kumar, has stated that one more case is pending against the petitioner. However, he is on bail in the said case. Learned counsel for the State is further not in a position to deny that the similarly situated co-accused - Ajit - has been granted bail by the Trial Court. Further, the learned counsel for the State is not in a position to deny that no overt act has been attributed to the petitioner and the only allegation against the petitioner is that he was present at the spot. It is further stated that the challan has been presented in the present case.

I have heard learned counsel for the parties.

No overt act has been attributed to the petitioner apart from him allegedly being at the spot. The challan has been presented in the present case. The similarly situated co-accused - Ajit - has already been granted bail by the Trial Court. Thus, even on the ground of parity the petitioner would be entitled to concession of bail.

Without commenting on the merits of the case and also the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

December 09, 2020

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NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No

(ALKA SARIN)
JUDGE