

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.39890 of 2020 (O&M)
Date of Decision.09.12.2020
(Heard through VC)

Rakesh @ Nandu

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Deepshikha Chauhan, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.485 dated 25.11.2018 registered under Sections 148, 149, 307, 323, 427, 452, 506 IPC (Section 302 IPC added later on) and Sections 25, 54 of Arms Act at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner *inter alia* would contend that the main accused namely Ravi @ Gorkha, Gulshan and Rahul Malik have already been allowed regular bail by a Coordinate Bench of this Court in CRM-M No.7834 of 2020 and CRM-M No.5209 of 2020 respectively. The co-accused Harsh @ Harshit has been allowed regular bail in CRM-M No.4390 of 2020. It is further argued that the material witnesses namely the complainant, his wife and son have already appeared as prosecution witnesses but did not support the case as set out and therefore, seeks concession of bail on parity with co-accused.

Learned counsel appearing on behalf of the respondent-State

opposes the grant of bail by contending that the petitioner herein belongs to a gang of unruly persons and has several cases pending against him. Three more FIRs are pending against him and therefore, should not be entitled to concession of bail.

I have heard learned counsel for the parties and have perused the paper book and the orders passed by the Coordinate Bench in the CrI. Misc. Petitions referred to above.

Keeping in view the fact that the co-accused have already been allowed bail by this High Court and the fact that the material witnesses did not support the case of prosecution, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

December 09, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No