

213

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

**CRM-M-77-2021 (O&M)
Date of Decision: 12.01.2021**

Monu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ashit Malik, Advocate,
for the applicant/petitioner.

Mr. Vishal Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM-72-2021:

Allowed as prayed for, subject to all just exceptions.

CRM-M-77-2021:

This is a petition filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.253 dated 01.06.2020, under Sections 148, 149, 307, 452, 506 and 120-B of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Sadar Sonapat, District Sonapat.

2. The petitioner has remained in detention for more than seven months, since 04.06.2020. After completion of investigation, challan against him has already been submitted.

3. Ld. Counsel for the petitioner draws attention of the Court to the

fact that there is no allegation in the FIR to the effect that his client had personally used any firearm against the complainant/victim.

4. The prayer for bail is nevertheless opposed on behalf of the State on the ground that the petitioner was actively involved in the occurrence, since he sat in the car used by the other culprits, delivered loaded pistols to the actual assailants, namely Telu @ Phool Kuwar and Sumit, and his Motorcycle was also used in the commission of the offence. At the same time, however, it is undeniable that such involvement attributed to the petitioner has come only by way of disclosure statement of the co-accused which is *per se* inadmissible.

5. Co-accused Raman, who was similarly not named in the FIR, has already been granted regular bail by this Court in CRM-M-37502-2020 on 19.11.2020. The petitioner would appear to be placed on a similar footing with the said accused.

6. In the circumstances, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own substantial time, particularly on account of the ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Disposed off.

12.01.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No