

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

CRM-M-1438-2021 (O&M)

Date of decision : 18.01.2021

PARVEEN AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners - Parveen Kumar and Anil Kumar -in FIR No.319 dated 08.10.2020 under Sections 148, 149, 452, 506 of the Indian Penal Code, 1860 and Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Sadar, Jhajjar.

Learned counsel for the petitioners has contended that similarly situated co-accused, Ajit, has been granted bail by the Trial Court and thereafter co-accused Sudhir was also granted regular bail by this Court in CRM-M-3800-2020 vide order dated 09.12.2020. He further contends that petitioners are similarly situated and no overt acts have been attributed to them. Though the pistol is alleged to have been recovered from Praveen, however, the same was a licensed weapon. The Fortuner car which is alleged to have been used in the incident belongs to Anil which has been recovered from him.

Learned State counsel on instructions from ASI Davinder Kumar has stated that no other case is pending against the petitioners. The learned State counsel is also not in a position to deny the fact that

similarly situated co-accused Ajit was granted bail by the Trial Court and the co-accused Sudhir was granted regular bail by this Court.

I have heard learned counsel for the parties.

In the present case, no overt act has been attributed to both the petitioners though it has been alleged that they were present at the spot. Challan has already been presented in the case and similarly situated co-accused Ajit and Sudhir have already been granted bail.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, no useful purpose would be served by keeping the petitioners behind the bars any further. Without commenting upon the merits of the case and keeping in mind the fact that there is no other case pending against the petitioners, I deem this to be a fit case for grant of regular bail to the petitioners. The petitioners are directed to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioners are found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 18, 2021

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**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable :YES/NO**