

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

228

CRM-M-1226-2021

Date of decision : 18.01.2021

GOURAV AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Nonish Kumar, Advocate for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioners are seeking regular bail in FIR No.59 dated 20.02.2020, under Sections 323, 452, 307, 34, 120-B IPC (Section 326 IPC added later on) and Section 25 of the Arms Act, registered at Police Station Butana, District Karnal.

Learned counsel for the petitioners contends that the petitioners are not named in the FIR and have been arraigned as an accused on the statement of co-accused, namely, Naresh Kumar that the petitioners had carried out *racce* of the area prior to the incident. He further contends that no overt act has been attributed to the petitioners. He also contends that the petitioners, who are 20 years of age, are in custody for over 10 months and are not involved in any other criminal case.

Learned State counsel, upon instructions from SI Ramesh Chand, states that although challan has been filed but charges are yet to be framed.

He also contends that the petitioners are alleged to have carried out *racce* of the

area and informed the co-accused about the presence of the injured. A mobile phone has been recovered from petitioner No.1 while a mobile phone and motorcycle have been recovered from petitioner No.2. He, however, is not in a position to controvert the submissions of learned counsel for the petitioners that the petitioners are not involved in any other case.

Heard through video conferencing.

In view of the above, especially when the petitioners are not named in the FIR, they are in custody for over 10 months, they are not involved in any other criminal case, they are 20 years of age, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioners.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

January 18, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No