

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

218

CRM-M-5361-2021

Date of decision: 06.04.2021

VIKASH AND ANR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.

The petitioners have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 412 dated 22.06.2020 registered under Section 397 of the Indian Penal Code, 1860 at Police Station Sadar Hisar, District Hisar.

The petitioners being in custody have filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by Narain Chand, HPS, Deputy Superintendent of Police, Hisar-2 in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned counsel for the petitioners has submitted that the

petitioners have been falsely implicated in the case. The FIR was registered against unknown persons. No test identification parade was got conducted in the case. The petitioners have been subsequently implicated on the basis of disclosure statements of co-accused Sandeep @ Kali and Ravinder. Co-accused Sandeep @ Kali and Ravinder have been granted regular bail by Co-ordinate Bench and this Court vide order dated 28.10.2020 and 12.01.2021 respectively. The petitioner No.-1-Vikash has been falsely implicated in four other cases and petitioner No.2- Jiakishan @ Jackson has been falsely implicated in three other cases but they are on bail in those cases. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioners are habitual offenders. Allegations made against the petitioners are very serious. In view of the gravity of accusation, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, parity with similarly placed co-accused-Sandeep @ Kali and Ravinder who have been granted regular bail in the case and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the

petitioners.

In view of the above, the petition is allowed and the petitioners are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioners are granted regular bail subject to the condition that they shall not commit any similar offence after their release on bail and in case of commission of any similar offence by them after their release on bail, their bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

06.04.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

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