

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-6243-2021(O&M)

Date of Decision: 16.02.2021

Sunil @ Bikka

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Vivek Goyal, Advocate,
for the petitioner.**

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-4246-2021

Prayer in this application filed under Section 482 Cr.P.C. is to carry out necessary correction in the offences referred in the head- note of the main petition.

Learned counsel for the petitioner submits that instead of Sections 535, 536 IPC, the offences are required to be read as Sections 435, 436 IPC.

For the reasons stated in the application, the same is allowed and instead of offences under Sections 535, 536 IPC, the offences under Sections 435, 436 IPC be read in the head-note of the main petition.

CRM-M-6243-2021

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.400 dated 03.11.2020 under Sections 120-B, 148, 149, 308, 395, 435, 436, 506 IPC, registered at Police Station Chandimandir, District Panchkula.

Learned counsel for the petitioner submits that the petitioner is in custody since 05.11.2020 and he has not been named in the present FIR. He is innocent and he has falsely been implicated in the present case, despite the fact that his name does not figure in the FIR. He further submits that vide order dated 02.02.2021(Annexure P-2) passed by learned Additional Sessions Judge, Panchkula, for similar set of allegations, the petitioner was admitted on bail in FIR No.399 dated 03.11.2020.

Learned State counsel, on instructions from ASI Vinod Kumar, does not dispute the custody period of the petitioner, however, she submits that the petitioner was a participant of an unlawful assembly and committed the offences, as alleged in the FIR.

Heard learned counsel for the parties.

Petitioner is in custody since 05.11.2020. For the similar set of allegations, the petitioner has been admitted on bail by learned Additional Sessions Judge, Panchkula, vide order dated 02.02.2021. Noticing the fact that he has not been specifically named in the present FIR and trial in the case is likely to take some long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 16, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No