

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

CRM-M-7023 of 2021.

Decided on:- March 24, 2021.

Rohit Kumar @ Bharosa.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Rajesh Lamba, 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.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.314 dated 10.08.2020 under Sections 148, 149, 186, 188, 323, 332, 341, 353, 379-B and 506 IPC (Section 307 IPC deleted) registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner submits that after registration of the FIR, the offence under Section 307 IPC was deleted in the case. The petitioner is in custody since 17.08.2020. The petitioner has not been named in the FIR, and therefore, no specific role has been attributed to the petitioner. The name of the petitioner is surfaced on the basis of disclosure statements made by co-accused Shubham and Intezar. Whereas the alleged incident took place on the intervening night of 9/10.08.2020 at about 02.30 A.M., the information was received in Police Station on 10.08.2020 at about 11.30 A.M.

Thus, there is a delay of about 8 hours between the alleged incident and the information given to the police. There is no other case against the petitioner.

Learned State counsel, on instructions from SI Roop Chand, does not dispute the custody of petitioner and the fact that there is no other case against the petitioner.

I have heard learned counsel for the parties.

The petitioner is in custody since 17.08.2020 and he has been named in the case on the basis of disclosure statements made by co-accused Shubham and Intezar. The alleged incident took place on the intervening night of 9/10.08.2020 at about 02.30 A.M., whereas the information was received in Police Station on 10.08.2020 at about 11.30 A.M. and as such, there is a delay of about 8 hours is very material to be explained during the course of trial. Be that as it may, but considering the custody of the petitioner, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

March 24, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No