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

-.-

**CRM-M-10012-2021 (O&M)
Date of decision : 20.04.2021**

Charanjeet @ Charna

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.437 dated 15.07.2019 under Sections 302, 34, 506 of the Indian Penal Code, 1860 registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner would contend that after the withdrawal of the earlier two bail petitions, similarly situated co-accused have been granted bail by a co-ordinate Bench of this Court. He relies upon the order dated 12.02.2021 passed in CRM-M-43813 of 2020. Learned counsel would further contend that earlier one of the co-accused had been granted bail in CRM-M-36179 of 2020 vide order dated 04.12.2020, however, the same was not within the knowledge of the petitioner. Learned counsel for the petitioner would contend that the petitioner has been in custody since 06.09.2019. Learned counsel for the petitioner further contends that in the FIR lodged by brother of the deceased he had stated that

he had seen 3-4 persons on the motorcycle, who had given beatings to the deceased with 'lathis' and 'dandas'. He would further contend that in the supplementary statement of the complainant, recorded after 1½ months of the incident, he had named co-accused Ashok @ Shoky and Kuldeep @ Dola as the persons who had caused injuries to the deceased. He further states that the petitioner has not been named in the supplementary statement of the complainant.

Learned State counsel on instructions from ASI Rani states that out of 20 prosecution witnesses only 02 have been examined. She further states that there is no other case pending against the petitioner. However, it is stated by the learned counsel for the State that the motor-cycle was recovered from the petitioner.

I have heard learned counsel for the parties.

The petitioner is 24 years old and has not been named in the supplementary statement by the complainant and he is not involved in any other criminal case and has been in custody since 06.09.2019. Similarly situated co-accused have already been granted regular bail by this Court.

In view of the above and also keeping in view the fact that due to the second surge in COVID-19 Pandemic the conclusion of the trial is likely to take some time, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his 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 petitioner is 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.

April 20, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
 Whether reportable: Yes/No