

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

**CRM-M-11908-2021 (O&M)**

**Date of decision : 09.08.2021**

Shaikh Mohammad Habib @ Vivan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Jagmohan S. Ghumman, Advocate for the petitioner.

Ms. Ambika Sood, Addl. AG Haryana.

Mr. Robin Gil, Advocate for the complainant.

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**ALKA SARIN, J. (ORAL)**

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.193 dated 12.07.2020 under Section 302 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 306, 201 and 202 IPC added later on), registered at Police Station DLF Phase-3<sup>rd</sup>, District Gurugram.

Learned counsel for the petitioner would contend that the first bail petition being CRM-M No.37535 of 2020 was dismissed as withdrawn on 17.11.2020. The change in circumstances thereafter is the FSL Report, which has been annexed as Annexure R-1 with the status report filed by way of affidavit of Sanjeev Kumar, HPS, Assistant Commissioner of Police, DLF, Gurugram which is inconclusive.

Learned counsel for the petitioner would further contend that the statement of the complainant has since been recorded and she has not supported the case of the Prosecution.

Learned counsel for the State is not in a position to deny that FSL Report is inconclusive and also that the complainant has not supported the case of the Prosecution.

Heard.

In view of the above and without commenting upon the merits of the case, I deem this to be a fit case for grant 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.

**09.08.2021**  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking**  
**Whether reportable: YES/NO**