

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

CRM-M-12675-2021 (O&M)
Date of decision: 06.09.2021

Virender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.P. Sharma, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The status report by way of affidavit dated 17.05.2021 of the Deputy Superintendent of Police, Narnaul, District Mahendergarh, already filed in the Registry, is taken on record.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 338 dated 12.10.2018 registered under Sections 148, 149, 323, 341, 325, 379-B, 428, 506 and 120-B IPC, at Police Station Nangal Chaudhary, District Mahendergarh. The first one having been dismissed as withdrawn vide order dated 05.11.2020 passed by this Court.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The petitioner was not present at the spot and as per the affidavit executed by the complainant, he had wrongly named the petitioner. The petitioner has been in custody since 14.07.2020.

As far as the other 17 cases are concerned, the petitioner is on bail in the said cases. Learned counsel for the petitioner further submits that co-accused Gabbar @ Hanuman, has already been granted regular bail by this Court, vide order dated 03.03.2021 (Annexure P-2). Moreover, complainant-Rajesh Kumar and eye witness-Amar Singh, PW-2 and PW-3 respectively, have not supported the prosecution version.

Learned State counsel, while opposing the prayer for bail, submits that there are serious allegations against the petitioner and, therefore, he is not entitled to the concession of the bail. He however, does not dispute the custody period of the petitioner and that the complainant and eye witness have been declared hostile.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.07.2020. The complainant and the eye witness have been turned hostile. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

06.09.2021

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No