

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

CRM-M-12990 of 2021 (O&M)

DATE OF DECISION :- November 29, 2021

Rahul alias Khinu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Sukhwinder Singh Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

C.M. No. 40267 of 2021

This is an application for placing on record copy of order dated 29.10.2020 (Annexure P3) passed by this Court.

Heard.

Allowed. The documents be taken on record.

CRM-M-12990 of 2021

This second petition for regular bail has been filed by petitioner Rahul @ Khinu, aged about 20 years, an accused in FIR No.0067 dated 19.09.2019, for offences under Sections 379-B, 201, 411 and 120-B IPC, registered with Police Station Mansa Devi Complex, Panchkula.

Briefly stated facts of the case as per prosecution story are, that on 18.09.2019 at about 8.30 PM, complainant Amandeep Saini working as a delivery boy in Zomato company was going on his Activa scooter to Mahindra Tech for delivery of the food as per order; when he had reached

near Shiv Mandir, MDC, Sector-6, Panchkula, then suddenly, three boys stopped his scooter and started beating him up; they snatched his mobile phone and purse carrying driving license, ATM card, Aadhar card, Pan card and Rs.500/-; they caused injury on his leg with a sharp weapon; on matter being reported to the police by the complainant, formal FIR was registered; investigation in the case started; petitioner was nominated as one of the culprits involved in the incident; he was arrested in this case on 24.10.2019. Petitioner/accused had filed a petition for grant of regular bail before the Court of Sessions at Panchkula, which was declined by Addl. Sessions Judge, Panchkula, vide order dated 06.06.2020.

I have learned counsel for the petitioner and learned State counsel besides going through the record.

As per the status report received from the trial Court, the trial is still going on and there does not appear to be any likelihood of its conclusion in the near future. The co-accused of the present petitioner namely Rahul Chawria is said to have been granted concession of regular bail by a coordinate Bench of this Court vide order dated 16.11.2021 (Annexure P4). The first petition filed by the present petitioner for regular bail was dismissed by this Court more than a year earlier. With no substantial progress being there in the trial and there is no likelihood of its conclusion in near future, the accused being behind bars for more than two years till date, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Rahul alias Khinu is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Panchkula subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

November 29, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No