

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

CRM-M-14486-2021 (O&M)

Date of decision : 09.04.2021

Shubham

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

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.314 dated 10.08.2020 (Annexure P-1) under Sections 148, 149, 186, 307, 323, 332, 341, 353, 379-B and 506 of the Indian Penal Code, 1860 registered at Police Station Indri, District Karnal, Haryana.

Learned counsel for the petitioner would contend that after withdrawal of the first petition, similarly situated co-accused, Rohit Kumar @ Bharosa has been granted bail by this Court vide order dated 24.03.2021 in CRM-M No.7023 of 2021. He would further contend that after registration of the FIR, Section 307 IPC was deleted and the petitioner has been in custody since 11.08.2020. Neither the petitioner has been named in the FIR nor any specific role has been attributed to the petitioner. Name of

co-accused-Intezar. On the basis of the disclosure statement of the present petitioner, Rohit Kumar @ Bharosa was arrayed as an accused in the FIR. The said Rohit Kumar @ Bharosa has since been granted regular bail by this Court vide order dated 24.03.2021 in CRM-M No.7023 of 2021.

Learned State counsel on instructions from SI Roop Chand is not in a position to dispute the fact that the co-accused Rohit Kumar @ Bharosa has been granted regular bail by this Court vide order dated 24.03.2021 in CRM-M No.7023 of 2021. The learned counsel for the State on instructions further states that there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

In view of the above and considering the fact that the petitioner has been in custody since 11.08.2020 and the fact that similarly situated co-accused Rohit Kumar @ Bharosa has been granted regular bail by this Court vide order dated 24.03.2021 passed in CRM-M No.7023 of 2021 and also the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, without commenting upon the merits of the case, I deem this to be a fit case 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.

09.04.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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