

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

CRM-M-16204-2021 (O&M)

Date of decision: 06.07.2021

Roshan

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Berwal, 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 petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 315 dated 17.11.2020, registered under Sections 341, 392 IPC, Section 25 of the Arms Act, 1959, Section 395, 397, 120-B IPC were added and Section 392 IPC was deleted subsequently, at Police Station Sadar Kaithal, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The petitioner was not named in the FIR, but was indicted in the present case on the basis of the disclosure statement of main accused, namely, Bintu @ Banty. Similarly placed co-accused, namely, Bintu @ Banty, Sakim @ Motu and Ajay, have already been granted regular bail, vide orders dated 01.04.2021, 16.03.2021 passed

by the learned Additional Sessions Judge, Kaithal. The petitioner has been in custody since 21.11.2020. Challan stands presented.

While opposing the prayer for bail, learned State counsel submits that Rs. 1,00,000/- and one Apple cell-phone of the complainant, were recovered from the petitioner, which clearly establishes the complicity of the petitioner in the crime committed and, therefore, he is not entitled to the grant of regular bail. However, he does not dispute the custody period of the petitioner and three co-accused having been granted regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.11.2020. 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. Moreover, as noticed above, three similarly situated co-accused have already been granted regular bail by the learned Additional Session Judge, Kaithal. 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.

(HARNARESH SINGH GILL)
JUDGE

06.07.2021

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No