

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

CRM-M-16685-2021 (O&M)

Date of decision : 28.09.2021

Sandeep

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajesh K. Kataria, Advocate for the petitioner.

Ms. Ambika Sood, Addl. AG 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.300 dated 06.10.2019 under Section 148, 149, 212, 307, 323, 324, 506 and 302 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Gohana, District Sonipat.

The first bail petition being CRM-M-22467-2020 was dismissed as withdrawn on 10.12.2020.

Learned counsel for the petitioner would contend that after withdrawal of the first petition, one of the co-accused, Manjeet, has since been granted bail by this Court vide order dated 16.08.2021 passed in CRM-M-28037-2021. He would further contend that the said co-accused, Manjeet, was named in the FIR and there are direct allegations against him whereas the petitioner is not named in the FIR and his name has surfaced in the disclosure statement of the co-accused.

Learned counsel for the petitioner would further contend that the petitioner has been in custody since 09.10.2019 and there is no other criminal case pending against him. He would further contend that the complainant in the present case has not supported the prosecution version.

Learned counsel for the State on instructions from SI Mahesh Kumar is not in a position to deny the facts that the complainant has not supported the version of the prosecution and that the co-accused, Manjeet, has since been granted bail vide order dated 16.08.2021 passed in CRM-M-28037-2021.

Heard.

Without commenting upon the merits of the case and keeping in view the facts that the petitioner has been in custody since 09.10.2019 and the complainant has not supported the prosecution version and the fact that the co-accused, Manjeet, has since been granted bail by this Court vide order dated 16.08.2021 passed in CRM-M-28037-2021 and that the trial is likely to take some time to conclude, 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.

(ALKA SARIN)
JUDGE

28.09.2021
Yogesh Sharma

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