

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

207+1

**CRM-M-19320-2021(O&M)
Decided on : 25.05.2021**

OM PARKASH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

&

CRM-M-19490-2021(O&M)

RAHUL @ BIHARI

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Manoj Kumar Taya, AAG Haryana
assisted by Inspector Sukhjeet.

MANJARI NEHRU KAUL, J. (Oral)

This common order shall dispose of both the above mentioned petitions.

The instant petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.745 dated 08.10.2020 under Sections 148, 149, 323, 427, 452, 307 and 120-B of the IPC (Section 302 IPC added later on) and Section 25 of the Arms Act, registered at Police Station HTM Hisar, District Hisar.

Learned counsel submits that it is a case of ocular testimony, however, the names of the petitioners do not find mentioned in the FIR in question. Learned counsel submits that the names of the petitioners were nominated as accused on the basis of disclosure statement made by co-

accused Shivalik and Shubham respectively, wherein they stated that the knives which were used in the alleged crime were made on order by both the petitioners on the asking of the co-accused. Learned counsel submits that the petitioners could not in any way be connected with the crime in question as admittedly petitioner-Om Parkash was a blacksmith and he would not have in any manner known the purpose for which the knife was to be used. He further submits that even as far as petitioner-Rahul@Bihari is concerned, he could not be connected with the crime in question as qua him, the only allegation was of preparing the knife which was later on alleged to have been used in the crime in question by the co-accused. Learned counsel has further submitted that during investigation no evidence had surfaced with respect to any motive on the part of either of the petitioners to commit the alleged crime, much less, to conspire with the co-accused.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from Inspector Sukhjeet has submitted that both the petitioners manufactured the knife in question. He has further submitted that petitioner-Om Parkash was paid Rs.150/- for the knife in question. It has thus been submitted that the petitioners were active conspirators in the crime in question.

Heard.

In view of the submissions made by learned counsel for the parties and that the petitioner have been in custody since 10.10.2020 and only challan has been presented till date, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the

outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)
JUDGE**

May 25, 2021

S.Sharma(syr)

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No