

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-19420 of 2021
Date of Decision: 29.06.2021**

Sachin Pandit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kuldeep Sheoran, Advocate for the petitioner.

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. 231 dated 13.08.2020 under Sections 307 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Agroha, District Hisar.

Learned counsel for the petitioner would contend that the role attributed to the petitioner herein is that he along with one of the co-accused, namely, Vikram @ Pakhi, had conducted a recce of the area and thereafter, informed the other co-accused about the whereabouts of the injured. There is no allegation *qua* the petitioner having caused any injuries. However, the injured is stated to have received three gun shot injuries on non-vital parts of the body, which are attributed to the other co-accused. There is also no motive which is attributed to the petitioner. The petitioner has been in custody since 13.08.2020. He is a young boy of 20 years and is not involved

in any other case. Learned counsel for the petitioner also relies upon the order dated 28.04.2021 passed by this Court in CRM-M-1726-2020 to contend that similarly situated co-accused namely, Vikram @ Pankhi, against whom allegations of having conducted recce of the area have been made, has been granted bail by this Court.

Notice of motion.

On the asking of the Court, Ms. Ambika Sood, Additional AG, Haryana, who has joined the session through video conferencing, accepts notice on behalf of the respondent. She, on instructions from ASI Mahinder Singh, is not in a position to deny that similarly situated co-accused has since been granted bail by this court vide order dated 28.04.2021 passed in CRM-M-1726-2021. Further she is also not in a position to deny the fact that only allegation against the petitioner is that he had conducted a recce of the area.

I have heard learned counsel for the parties.

In view of the above, keeping in mind the fact that similarly situated co-accused has since been granted bail by this Court, the petitioner has been in custody for the last more than ten months and is not involved in any other case and 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.

(ALKA SARIN)
JUDGE

29th June, 2021
jk

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