

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 20049 of 2021
Date of Decision: 25.5.2021**

Harsh and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Govind Chauhan, Advocate
for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr. L.S.Mann, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioners seek regular bail in FIR No. 0071 dated 11.2.2021 under Sections 25, 54, 59 of the Arms Act, 1959, Sections 148, 149, 307, 354, 427, 436, 506 IPC and Sections 3(1)(s), 3(1)(w), 3(2)(iii), 3(2)(iv), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Sector- 32-33, Karnal, District Karnal.

Learned counsel for the petitioners submits that in the present case, only petitioner No. 3-Subham @ Subham Sangwan is named in the FIR and petitioners No. 1, 2 and 4, namely Harsh, Abhishek @ Amit and Punit, respectively have not named in the FIR and they have been involved in the present case on the basis of disclosure statement suffered by co-accused Rahul Bakra. He further submits that no specific role has been

attributed to any of the petitioners. Learned counsel further submits that the alleged *dandas* have also been recovered from the petitioners and they are in custody from the last more than three months. He further submits that co-accused Dev @ Bunty Sharma has been granted regular bail by this Court on 20.4.2021 whereas co-accused Ashu alias Aman has been granted interim bail by this Court on 19.5.2021.

Learned State counsel, who is assisted by learned counsel for the complainant, has pointed out that the petitioners have actively participated in the commission of offence but has not disputed the fact that in the present case, challan was presented on 05.4.2021 and out of 56 prosecution witnesses, none has been examined.

I have heard the learned counsel for the parties.

In the present case, co-accused Dev @ Bunty Sharma has already been granted regular bail by this Court. The petitioner have been in custody from the last more than three months. Challan was presented on 05.4.2021 but no prosecution witnesses has been examined till date. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

May 25, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No