

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

CRM-M-22709-2021 (O&M)

Date of decision: 06.08.2021

Bhupender @ Bhupi

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S. Verma, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

Mr. Sumit Sangwan, Advocate for the complainant.

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 bearing FIR No. 130 dated 14.04.2018, registered under Sections 302, 34, 379-B, 392, 397 IPC and Section 25 of the Arms Act, 1959, at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR, nor any role was attributed to him and he has falsely been implicated in the present case. The petitioner has been in custody

since 23.04.2018. Moreover, similarly situated co-accused, namely, Hariom @ Tabbu and Jagpreet are on regular bail. The earlier bail petition filed by the petitioner seeking interim bail stands dismissed.

Learned counsel for the petitioner further submits that no specific role has been attributed to the petitioner and no recovery has also been effected from him. The only allegation against the petitioner is that he was driving the Scorpio car used in the crime. Two witnesses, namely, Sanjay Kumar and Virender, while appearing as PW-3 and PW-4 have not identified the petitioner.

The report by way of affidavit dated 30.07.2021 of the Deputy Superintendent of Police, Badhra, already filed in the Registry, is taken on record.

At this stage, Mr. Sumit Sangwan, Advocate, appears and files power of attorney on behalf of the complainant through email, the same is taken on record.

Learned State counsel assisted by the counsel for the complainant, while opposing the prayer for bail, submits that there are serious allegations against the petitioner, as he was driving the Scorpio car at one point of time. Learned State counsel further submits that there are two more cases against him, hence, he is not entitled to the concession of the bail. He, however, does not dispute the custody period of the petitioner.

At this, learned counsel for the petitioner submits that out of two other cases, in one case, he is on bail and in another case he was not named.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.04.2018. The petitioner was not named in the FIR and even not identified by two prosecution witnesses. Moreover, two co-accused are on regular bail. The trial will take time to conclude, especially due to prevailing situation of Covid-19. 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

06.08.2021

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No