

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

S. No.201

CRM-M-23383-2021 (O&M)

Date of Decision: 01.07.2021

AMAN CHADDA @ RAMAN @ RAJAT

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sukhvinder Singh Nara, Advocate,
for the petitioner.

ARCHANA PURI, J. (ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is second petition under Section 439 for grant of regular bail to the petitioner, in case bearing FIR No.71 dated 11.02.2021 under Sections 120-B, 148, 149, 307, 354, 427, 436, 452, 506 IPC and Section 3 (1) S, 3(1) W, 3(2)(iii), 3(2)(iv), 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 25 of the Arms Act, Police Station Sectors 32-33, Karnal.

Notice of motion.

Ms. Ambika Luthra, Additional Advocate General, Haryana, accepts notice on behalf of respondent-State.

The aforesaid case was registered at the instance of Saroj W/o Tejpal. As per the version of the prosecution, on 11.02.2021, Sita as well as the

present petitioner-Aman Chadda alias Raman alias Rajat and other specifically named persons along with 150-200 other persons carrying lathis, danda, swords and country made pistols in their hands, threatened the complainant. They had abused the complainant side in the name of sister and also threatened to teach them a lesson. They had caused ruckus and damaged various vehicles and household articles. During the course of the investigation, Aman Chadda alias Raman alias Rajat was arrested on 12.02.2021. In pursuance of the disclosure statements of Aman Chadda alias Raman alias Rajat and his fellow companions, who were also arrested, dandas were recovered, which were weapons of the offence. Even, they had made disclosure statements, thereby demarcating the spot of crime.

Now, it is submitted by learned counsel for the petitioner that even though, in the present case, challan has been presented on 05.04.2021, but till date, no witness, out of 56 cited witnesses, has been examined. Moreover, it is submitted that Subham alias Subham Sangwan, who has been specifically named in the FIR, has been granted bail by the Coordinate Bench vide order dated 25.05.2021 passed in CRM-M-20049-2021. Also, it is submitted that even various other persons, namely, Harsh, Abhishek alias Amit and Punit, who have not been named in the FIR have also been granted benefit of bail by this Court. Besides the same, it is also submitted that various other persons, who have been specifically named in the FIR like Sita, son of Rajender, Sahil, son of Anil, Sandeep, son of Fauji and Deepak, son of Laddi Tikda, have also been granted bail by the trial Court. As such, a prayer has been made for grant of regular bail to the petitioner, on the principle of parity and also on account of trial, not being conducted expeditiously.

On the contrary, learned State Counsel has resisted the claim for grant of regular bail. She submits that the petitioner has actively participated in the commission of offence, on account of which, he has been specifically named in the instant FIR. However, learned State Counsel does not dispute the factual position about the presentation of challan on 05.04.2021 and that out of 56 witnesses, as per the list of witnesses annexed with the challan, no witness has been examined till date. The next date before the trial Court is stated to be 13.07.2021. It is further submitted that it is only on the account of pandemic situation, existing that the witnesses could not be examined.

Heard.

Undisputedly, the challan has though been presented before the trial Court on 05.04.2021, but till date, no prosecution witness has been examined. The trial is going on at snail's pace. The petitioner is in custody since 12.02.2021. Even, the fellow accused, namely, Subham @ Subham Sangwan, who has been specifically named in the FIR, has already been granted regular bail by the Coordinate Bench. Besides the same, co-accused Dev @ Bunty Sharma has already been granted bail by this Court. Likewise, various other persons, who have been specifically named in the FIR, have also been granted regular bail by the trial Court. Similar role has been assigned to the petitioner, as assigned to various other accused, who have already been granted benefit of regular bail.

Looking at the fact that no witness has been examined, since presentation of the challan on 05.04.2021, it is quite obvious that conclusion of the trial is likely to consume much time. Considering the same, the petitioner, as such, cannot be detained in custody, indefinitely, more particularly, when the

fellow accused who have been specifically named in the FIR, have already been granted benefit of regular bail. Thus, on the principle of parity and considering the aforesaid circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

(ARCHANA PURI)
JUDGE

01.07.2021

Vgulati

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No