

216 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-25795-2021
Date of Decision: 19.07.2021**

Naresh Kumar @ Shiva @ Laddi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Arnav Sood, Advocate,
 for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.120 dated 07.09.2017, under Sections 302, 148, 149 & 120-B of the IPC and Sections 25-54-59 of the Arms Act, registered at Police Station Mahilpur, District Hoshiarpur.

2. The petitioner has remained in detention well in excess of three years, since April, 2018. He was not named in the original FIR. His name, however, transpired from the supplementary statement given by the complainant subsequently.

3. Co-accused Kamaljit @ Kamal Sahota and Jatinder Singh @ Babu were granted regular bail in similar situation by a Co-ordinate Bench of this Court in CRM-M-42422-2018 on 02.07.2019. Similarly, Parvinder Kumar

@ Happy, Lakhbir Kumar @ Lakhbir Singh @ Sheela and Sunil Kumar @ Monu were also granted regular bail in similar situations by different Benches of this Court in CRM-M-29017-2019 on 17.07.2019, CRM-M-32908-2019 on 08.11.2019 and CRM-M-36668-2019 on 08.11.2019, respectively.

4. It transpires that even the first witness from the prosecution side is yet to be examined in the present case, when the petitioner has already remained in custody for more than three years. He, therefore, at this stage would appear to be entitled to grant of regular bail on the ground of parity with the other co-accused persons named above.

5. As such, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, as also the fact that the trial is yet to commence, particularly on account of the ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Disposed off.

19.07.2021*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No