

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

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CRM-M-27094-2021 (O&M)

Date of decision: 14.12.2021

ANISH @ KOBRA

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. BS Saroha, Advocate and
Mr. Rahul Vats, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.88 dated 02.02.2019, registered under Sections 148, 149, 323, 365, 379-B and 506 IPC (Section 201 IPC added later on) and Section 25 of the Arms Act, at Police Station City Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that there is a delay of 3 days in lodging the present FIR; that the allegation against the petitioner is that he gave fist blows on the person of the complainant; that no recovery was effected from the petitioner and that there is no other case, registered and/or pending against the petitioner. He further submits that the petitioner was declared as a proclaimed person on 07.12.2020. Thereafter, he surrendered on 13.04.2021 and since then he has been in custody. Still further he submits that as co-accused, namely, Jitender @

CM, Mahesh @ Hafta and Ajay @ Musa have already been granted the

concession of regular bail by a Coordinate Bench of this Court, the petitioner may also be granted such concession, on the ground of parity.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with other co-accused had kidnapped the complainant and robbed him while inflicting injuries upon him. He further submits that out of 15 prosecution witnesses, only 2 have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.04.2021. Co-accused have already been enlarged on bail. There is no other case registered and/or pending against the petitioner. No recovery was effected from the petitioner. Thirteen prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

14.12.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No