

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

228

CRM-M-27118-2021 (O&M)

Decided on : 22.07.2021

RAJESH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Dr. Anmol Rattan Sidhu Sr. Advocate with Shiv Kumar,
Advocate for the petitioner(s).

Ms. Gaganpreet Kaur, AAG Haryana
assisted by Inspector Sudhir Kumar .

MANJARI NEHRU KAUL, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 228, dated 18.11.2020 under Sections 420, 467, 468, 471, 120-B of the IPC (Section 66-D of the IT Act added later on) registered at Police Station Ding, District Sirsa.

Learned Senior counsel submits that the previous petition filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner was dismissed as withdrawn at the very outset with liberty to approach the trial Court. It has been submitted that the trial Court gravely erred in dismissing his petition vide order dated 05.07.2021 (Annexure P-2) without appreciating that the case of the petitioner was at par with that of the co-accused, who had since been extended the concession of bail. Learned Senior counsel further submitted that all the offences are triable by Magistrate and there is no likelihood of the trial concluding any time in the near future, as only challan stands presented. A prayer has thus been made

to extend the concession of bail to the petitioner, who has been in custody since 18.11.2020.

Per contra, learned State counsel on instructions from Inspector Sudhir Kumar has fairly conceded that the case of the petitioner is at par with that of the co-accused, who has since been extended the concession of bail. She further submits that charges are likely to be framed on the next date of hearing and the delay in the trial is only on account of the second wave of COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 22, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*