

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

Sr. No.219(1)

**CRM-M No. 33108 of 2020
Date of decision : 16.02.2021**

Himanshu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Karan Singh, Advocate for the petitioner.
Mr. Ashok Kumar Sehrawat, DAG, Haryana.
Mr. Parminder Singh, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.484 dated 23.11.2019 under Section 379-A IPC and Section 25-54-59 of the Arms Act, 1959 (Section 379-B IPC added later on) registered at Police Station Butana, district Karnal.

The petitioner along with his co-accused namely Pankaj, Nirdosh, Gaurav, Shivam and Arjun are sought to be prosecuted under Sections 379-A, 379-B IPC and Section 25 of the Arms Act for allegedly robbing the complainant after pointing a pistol at him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; he is in custody since 24.08.2020; there is no other criminal case in which he is involved; co-accused Nirdosh and Arjun who are identically placed as the petitioner have

been granted bail by the trial Court; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude.

Learned State counsel opposes the grant of bail to him on the ground that the petitioner is an accused of a serious offence and if he is released on bail, he may indulge in similar offences.

The petitioner is in custody since 24.08.2020; he is not involved in any other criminal case; co-accused Nirdosh and Arjun who are identically placed have been granted regular bail by the trial Court; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Karnal, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

16.02.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No