

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

222+108

CRM-M No. 39529 of 2021 (O&M)

Date of decision :01.10.2021

Sumit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashish Pannu, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J.

CRM-32800-2021

Prayer in the application is for correction in the head note and prayer clause wherein it has inadvertently mentioned 297 IPC instead of 397 IPC.

Notice of the application.

On the asking of the Court, Mr. Pardeep Prakash Chahar, DAG, Haryana accepts notice on behalf of the respondent-State and states that he has no objection if the application is allowed.

In view of above, the application is allowed and Section 297 IPC be read as 397 IPC in the head note and prayer clause of the petition.

Registry is directed to make the necessary corrections accordingly.

CRM-M No. 39529 of 2021

Prayer in this petition is for grant of regular bail in case FIR No. 561 dated 29.11.2019 registered under Sections 341, 392 and 397 IPC (Sections 201, 323 and 394 IPC added later on in charge-sheet) at Police

Station Sonipat Sadar, District Sonipat.

Learned counsel for the petitioner states that the petitioner has not named in the FIR and has been falsely implicated in the present case. The main accused is Aman @ Boxer, who was declared as a proclaimed offender and was arrested on 09.03.2021. The name of the petitioner was indicted on the basis of the disclosure statement of Aman @ Boxer. It has been pointed out by learned counsel for the petitioner that complainant while stepping into the witness box as PW1 has turned hostile. The petitioner has been in custody since 11.03.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel has submitted that in the present case, the FIR was registered on 29.11.2019 but the petitioner was arrested on 11.03.2021, after a delay of almost 1 year 4 months. The earlier petition seeking regular bail filed by the petitioner was dismissed as withdrawn on 01.07.2021.

I have heard the learned counsel for the parties.

The petitioner's name was not mentioned in the FIR and his name was indicted only on the basis of the disclosure statement of co-accused Aman @ Boxer. Moreover, the complainant while stepping into the witness box has turned hostile. The petitioner has been in custody since 11.03.2021. The prosecution witnesses are yet to be examined. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

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.

01.10.2021

Rajeev (rvs)

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No