

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

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(i)

**CRM-M-39145-2020
Date of Decision : 25.02.2021**

Sarjeet @ Kalia

.....Petitioner

Versus

State of Haryana

.....Respondent

(ii)

**CRM-M-5042-2021
Date of Decision : 25.02.2021**

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner in CRM-M-39145-2020.

Mr. Rajesh Nain, Advocate
for the petitioner in CRM-M-5042-2021.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

Petitioner-Sarjeet @ Kalia has filed CRM-M-39145-2020 and petitioner-Sandeep has filed CRM-M-5042-2021 under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.412 dated 22.06.2020 registered under Section 397 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Sadar Hisar, District Hisar.

As per the prosecution version, in the intervening night of 21-22.06.2020, complainant-Dharambir was assaulted by 6-7 boys, his hand was fractured and he was hit with an iron object on his chest and head. The assailants looted his mobile phone and purse containing Rs.5,000/-, driving licence, Aadhar Card and two ATM cards and fled away.

The petitioners being in custody have filed present petitions for grant of regular bail.

The petitions have been opposed by the respondent-State in terms of replies filed by way of affidavit of Sh. Narain Chand, HPS, Deputy Superintendent of Police, Hisar-2 in the Registry in both the petitions which are taken on record.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioners have submitted that the FIR was registered against 6/7 unknown persons who were alleged to have given beating to the complainant and to have snatched his mobile phone and purse containing Rs.5,000/-, driving licence, Aadhar Card and two ATM cards. The petitioners were not named in the FIR. No test identification parade was got conducted by the Investigating Officer of the case. The petitioners have been falsely implicated on the basis of alleged supplementary statement of the complainant. No incriminating articles were recovered from the petitioners. As per the prosecution version recovery of Danda and motorcycle was made from petitioner-Sandeep and recovery of Danda was made from petitioner-Sarjeet @ Kalia which does not incriminate them for commission of the alleged offences. Co-accused Sandeep @ Kali and Ravinder have already been granted regular bail by this Court vide orders dated 28.10.2020 and 12.01.2021 respectively. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by keeping the petitioners in custody. Therefore, the petitioners may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioners are habitual offenders. Petitioner-Sandeep is involved in three other criminal cases whereas petitioner-Sarjeet @ Kalia is involved in two other criminal cases. In view of nature of accusation and gravity of offence, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, parity with

their co-accused Sandeep @ Kali and Ravinder and also the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petitions are allowed and the petitioners-Sarjeet @ Kalia and Sandeep are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioners-Sarjeet @ Kalia and Sandeep are granted regular bail subject to the condition that they shall not commit any similar offence after their release on bail and in case of commission of similar offence by them in future their bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

25.02.2021

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**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No