

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43160 of 2020
Date of Decision:03.03.2021

GABBAR @ HANUMAN

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. J.P.Sharma, Advocate
for the petitioner.

Mr.Ashok Singh Chaudhary, Addl. AG, Haryana
for respondent No.1.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.338 dated 12.10.2018 registered under Sections 148, 149, 323, 341, 325, 379B, 428, 506 and 120-B IPC at Police Station Nangal Chaudhary, District Mahendergarh.

Mr. Anil Kumar Sharma, Advocate appears on behalf of respondents No.2 and 3 and filed Power of Attorney through e-mail. The same is taken on record.

Status report by way of affidavit of Deputy Superintendent of Police, Narnaul, District Mahendergarh, filed in Registry, is taken on

record.

Learned counsel for the petitioner states that the earlier petition was dismissed as withdrawn on 04.09.2020 but after the said date three accused i.e. Ashok @ Pintu, Purushotam and Rajender @ Raju Kana, who are also involved in seven, nine and eighteen cases respectively, have been granted bail by the learned Additional Sessions Judge, Narnaul (Annexure P-2 to P-4) on the basis of an affidavit filed by complainant Rajesh Kumar, He further states that even in the present case, complaint Rajesh Kumar has also given an affidavit dated 06.11.2020 (Annexure P-6) stating that the petitioner has no role in the said incident. He further submits that the petitioner has been in custody since 15.02.2020.

Learned State counsel states that he has no instruction regarding the affidavit executed by the complainant Rajesh Kumar,

Mr. Anil Kumar Sharma, Advocate for respondents No.2 and 3 and complainant Rajesh Kumar has not disputed the factum of the affidavit given by complainant Rajesh Kumar as well as the grant of bail to the other three co-accused by the learned Additional Sessions Judge, Narnaul.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.02.2020. The three co-accused have also been granted bail. Trial of the case would take 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.

March 03, 2021

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasonedYes/No

Whether ReportableYes/No