

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

220

CRM-M-376-2021

Decided on : 12.01.2021

Pardeep

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Deepanshu Mehta, Advocate and
Ms. Harneet Pannu, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by SI Krishan Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 34, dated 20.02.2019, under Sections 452, 302, 120-N IPC and Section 25 of the Arms Act, registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner *inter alia* contends that subsequent to the withdrawal of the previous petition of the petitioner on 14.07.2020 (Annexure P-7), only 03 out of the 36 prosecution witnesses cited, have been examined so far and hence, there is no likelihood of the trial concluding any time in the near future. Learned counsel has submitted that even otherwise, the evidence collected by the investigating agency against the petitioner, on the basis of which he was nominated as an accused i.e. disclosure statement of co-accused Saurabh has very weak evidentiary value. It has been contended that the similarly situated co-accused Saurabh has been extended the concession of bail by the trial Court vide order dated 24.02.2020 (Annexure P-5).

Thus, a prayer has been made for extending the concession of regular bail, as the petitioner has been in custody since 06th March, 2019.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Krishan Kumar, has submitted that the delay in the conclusion of the trial has been on account of the outbreak of pandemic COVID-19. He has submitted that the next date fixed before the trial Court is 15th February, 2021, when the prosecution evidence of the remaining witnesses is likely to be recorded. He has, however, not been able to controvert the factum of the petitioner having been arraigned as an accused on the basis of the disclosure statement made by co-accused Saurabh.

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, more so, in the prevailing conditions due to the outbreak of COVID-19. 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

January 12, 2021

J.Ram

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