

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

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CRM-M-50629-2021(O&M)

Date of Decision: 02.12.2021

Sankalp Kumar and another

....Petitioners

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sandeep Saini, Advocate for the petitioners.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-41326-2021

Learned counsel for the petitioners prays for withdrawal of instant application seeking interim bail.

In view of above, instant application seeking interim bail is dismissed as withdrawn.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioners – **Sankalp Kumar** and **Devwarat Kumar @ Vishal** for grant of regular bail in case FIR No.326 dated 20.08.2021 under Sections 148, 201, 323, 379-B and 506 IPC read with Section 149 IPC, registered at Police Station Jagadhri City, District Yamuna Nagar.

Learned counsel for the petitioners *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that petitioners were not named in the FIR. He further urges that no specific injury on the person of complainant/injured -Anmol is attributed to petitioners. He further urges that petitioners have no nexus whatsoever with the alleged offence and even otherwise, complainant/injured-Anmol, vide his affidavit dated 24.09.2021

(Annexure P/2) has categorically stated that petitioners had no role in the

commission of offence. He further submits that co-accused namely Harinder Singh @ Shobhan has already been granted bail by this Court, vide order dated 17.11.2021 passed in CRM-M-44873-2021. He further submits that petitioners are languishing in custody since 21.09.2021 and they are no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court on 10.10.2021. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioners in custody further and they may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioners do not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioners are languishing in custody since 21.09.2021; that petitioners are no more required by the Investigating Agency for investigation purpose; that co-accused namely Harinder Singh @ Shobhan has already been granted bail by this Court, vide order dated 17.11.2021 passed in CRM-M-44873-2021; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioners in custody further, thus, they deserve the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioners- **Sankalp Kumar** and **Devwarat Kumar @ Vishal** is allowed and they are ordered to be released on bail on their furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar, as the case may be.

(LALIT BATRA)
JUDGE

02.12.2021

d.gulati

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No