

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

CRM-M-32120-2022 (O&M)

Date of Decision: 1st August, 2022

Rahul @ Dabbas

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. S.S. Mahal, Advocate for the petitioner.
Mr. Gumreet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 49, dated 22nd February, 2020, under Sections 307, 201, 379-B and 397 read with Section 34 of the Indian Penal Code, 1860, Section 25 of the Arms Act, 1959 registered at Police Station Sector 13-17, Panipat.

2. Learned counsel for the petitioner claims parity with co-accused Dinesh who was granted regular bail by this court on 29th June, 2021, this Court passed the following order:

“(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.49 dated 22.02.2020 registered under Sections 307, 379-B and 397 read with Section 34 of the Indian Penal Code, 1860 (for short, “the IPC”) and Section 27 of the Arms Act, 1959 at Police Station Sector 13-17, Panipat to which Section 201 of the IPC and Section 25 of the Arms Act, 1959 were added lateron.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State.

However, no reply has been filed by the respondent-State.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. During trial complainant Dr. Ritesh Chahal, Pawan Sabharwal and Sanjay were examined as PW-1, PW-2 and PW-3 and they did not support the case of the prosecution. PW-1 Dr. Ritesh Chahal and PW-3 Sanjay stated that the accused present in the Court were not the same persons who had snatched the car and mobile phones from complainant Dr. Ritesh Chahal and PW-2 Pawan Sabharwal stated that he was not present at the spot. There is no cogent incriminating evidence against the petitioner. Examination of the remaining prosecution witnesses is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, statements of the complainant and other material witnesses made during trial and the fact that conclusion of the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate Concerned.”

3. Learned counsel for the State though opposes the prayer for grant of bail, but is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

4. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and considering that the conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. The petition is allowed.
6. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
7. Since the main petition has been allowed, pending applications, if any, are rendered infructuouos.

(AVNEESH JHINGAN)
JUDGE

1st August, 2022
Parveen Sharma

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