

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

214

**CRM-M-42299-2021
Date of decision : 12.01.2022**

AMAN ALIAS SUKKAH ALIAS MANNU

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.402 dated 14.12.2020 under Sections 285, 379-B IPC and Section 25(IB)(a) of the Arms Act, registered at Police Station Kherki Daula, District Gurugram, Haryana.

Learned counsel for the petitioner argues that in the present case, the petitioner was not named and the petitioner has only been involved on the basis of disclosure statement of the accused, who was arrested in the FIR No.403 dated 14.12.2020. Learned counsel for the petitioner further submits that FIR Nos.402 and 403 were recorded on the same date within a period of one hour and in the present case, the complainant has refused to participate in the identification parade to identify the petitioner and therefore, as the investigation is already over and the challan has already been presented and the trial is likely to take some time before it concludes, the petitioner may kindly be granted the concession of regular bail as the petitioner undertakes not to influence the trial of the witnesses in any manner.

Learned State counsel on instructions from SI Suresh Kumar submits that the petitioner has been involved in more than one case involving the similar

offence. Learned counsel concedes that the investigation as well as in respect of the present FIR is already over and the challan has already been presented as stated as well as the fact that the complainant refused to participate in the identification parade so as to identify the petitioner being one of the assailants.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the allegations alleged against the petitioner are yet to be proved and the investigation is already over and the challan has already been presented and keeping in view the pandemic of Covid 19, trial is likely to take some time before it concludes and coupled with the fact that petitioner has undertaken before this Court not to influence the trial or the witnesses in any manner in case he is extended the concession of regular bail, petitioner has made out a case for the grant of regular bail. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

12.01.2022
rimpal

Whether speaking/reasoned
Whether Reportable :

Yes
No