

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

211

CRM-M-53391-2021(O&M)
Date of Decision : January 07, 2022

ANKIT @ MABARI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.420 dated 6.9.2020 under Section 346 IPC (subsequently added Sections 302, 364, 365, 201, 120B and 34 IPC) registered at Police Station Kundli, District Sonipat.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and he is in custody since 13.10.2020 and after the completion of investigation the challan has been presented before the competent Court and thereafter the trial has also commenced and the material witnesses including the complainant have already been examined. She has further submitted that the other material witnesses including the complainant have turned hostile and they have stated that they never gave any statement to the police. She has submitted that the petitioner is not involved in any other case and has clean antecedents and since the trial of the case would take time, he may be considered for the grant of regular bail. She has

further submitted that the other similarly situated co-accused, namely, Rahul @ Bakri and Omwati who were at parity with the petitioner have since been granted bail by this Court vide CRM-M-41764-2021 and CRM-M-47993-2021.

On the other hand, Mr. Panwar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody from 13.10.2020 and the material witnesses have turned hostile in the present case. It is also not disputed that the petitioner is at parity with other co-accused, namely, Rahul @ Bakri and Omwati.

I have heard the learned counsels for the parties.

The petitioner is in custody from 13.10.2020 which is more than one year and material witnesses have since been examined. It is not disputed that the petitioner is at parity with the other co-accused who have since been granted regular bail by this Court. It is also not disputed that the petitioner is not involved in any other case and as per learned counsel for the parties he is not a habitual offender. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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