

2023:PHHC:084305

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

CRM-M-18486-2023

Date of decision : 05.07.2023

Parveen @ Nonu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.83 dated 20.02.2022, registered for the offences punishable under Sections 307 and 34 IPC (Sections 302, 343 added later on) & Sections 25, 54 and 59 of Arms Act at Police Station Model Town Rewari, Haryana.

2. Counsel for the petitioner relies upon order dated 23.03.2023 (P-5), whereby co-accused namely Sachin has been granted concession of regular bail in CRM-M-13756-2023 observing as under:-

“CRM-12628-2023

Application is allowed, as prayed for.

CRM-M-13756-2023

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 83, dated 20.02.2022, under Sections 307 and 34 IPC (Sections 302, 343 added later on) & Sections 25 of

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Arms Act, 1959, registered at Police Station Model Town Rewari, Haryana.

Learned counsel for the petitioner has contended that the petitioner has not been named in the FIR and no injury to the victim has been attributed to the petitioner. He further contends that nothing has been recovered from the petitioner. He relies upon the orders dated 18.08.2022 (Annexure P-7) and 09.02.2023 (Annexure P-8) passed by the trial Court as well as by this Court, whereby the co-accused of the petitioner namely Sanu @ Aditya and Saurabh have been granted the concession of regular bail.

Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 01 year 01 month and 2 days. He does not controvert the fact regarding regular bail granting to the co-accused of the petitioner.

Considering the afore-said facts and circumstances added with the fact that the co-accused of the petitioner have already been granted the concession of regular bail and challan stands presented wherein, the conclusion of trial shall take sufficient long time, nothing is to be recovered from the petitioner, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, concerned.

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In view of afore-said terms the present petition stands allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.”

3. Learned State Counsel very fairly submits that the role attributed to the petitioner is not different to the one attributed to Sachin.
4. In view of above and keeping in view the parity, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No