

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

CRM-M-385-2020 (O&M)

Date of Decision: August 05, 2020

Krishan @ Billu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.111 dated 26.02.2016, under Sections 392, 397, 412 IPC and Section 25 Arms Act, registered at Police Station, City Jind, District Jind. The petitioner is in custody since his arrest on 20.06.2016.

As per the allegations in the FIR, on 26.02.2016, ASI Haresh Kumar received a V.T.message that a vehicle bearing No.HR-31H-8588 was snatched near Raddison Hotel, Sector 9, Jind. On receipt of this information, he went to the disclosed place, where complainant Ajmer stated that he went to the house of Surrender at Shiv Colony, Jind and from there went to the shop of his friend Pardeep in Sector 9 in vehicle No.HR-31H-8588, where his other vehicle No.HR-31H-5652 was parked. When after alighting from vehicle No.HR-31H-8588, he was approaching Bolero vehicle to park it inside the premises, he noticed two boys coming on foot.

One of them put a pistol on his chest and other boy caught him from neck. They demanded keys of car, whereupon he handed over the keys of car No.HR-31H-8588. The person, who had caught him, snatched Rs.4000/-, mobile Zen having SIM Nos.9416552106 and 8199055660 from the front pocket of his shirt. During this time, two more boys came on the motor cycle and at pistol point tried to make the complainant sit in the car. He stated that after pushing those boys, he ran towards the fields. The culprits after snatching his vehicle No.HR-31H-8588 went towards the Hotel Heaven. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the prosecution has examined only seven witnesses out of total thirty witnesses within a period of more than four years, after commencement of the trial. Learned counsel has argued that the material witnesses, i.e., the complainant and other eye witness, namely, Ajmer and Krishan have already testified before the Court, who have not supported the prosecution case. According to him, the witnesses specifically stated before the Court that the petitioner was not the accused of the said offence. Learned counsel for the petitioner has prayed for grant of bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel, assisted by Inspector Rohtas Singh, has opposed the prayer on the ground that the petitioner is involved in number of criminal cases. He has drawn the attention of the Court to the custody certificate filed by way of affidavit of Shri Jangsher Singh, Deputy Superintendent, Central Jail, Hisar. According to him, the petitioner is an under-trial in five cases including the present one, but it is not disputed that the material witnesses have not supported the case of the

prosecution, who were declared hostile. He submits that twenty three prosecution witnesses still remain to be examined before the trial Court.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer of the petitioner. The petitioner after his arrest on 20.06.2016, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the CJM/trial Court, Jind.

The petition is allowed.

August 05, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No