

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3604-2020

Date of Decision: July 22, 2020.

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..... PETITIONER (s)

Versus

STATE OF HARYANA

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ajay Kumar Gupta, Advocate for the petitioner.

Mr. Anmol Malik, D.A.G., Haryana.

Mr. Gaurav Rana, Advocate for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.126, dated 21.04.2019 under Sections 148, 149, 323, 324, 452, 302, 120-B IPC and Section 25/54/59 of Arms Act, registered at Police Station Nissing, District Karnal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the above mentioned FIR. In fact, the petitioner has nothing to do with the unfortunate incident wherein three persons have lost their lives. The petitioner, is submitted, to be employed as a driver with one Ravinder, who was the owner of the ECCO car bearing Registration No.HR-08-W-8574. The said car was being plied as and when taken on hire. The petitioner had been in the employment of Ravinder much prior to the incident in question. Learned counsel for the petitioner refers to

some of the challans in respect to the said vehicle for traffic violations, attached as Annexure P-2 (Colly) alongwith affidavit dated 16.12.2019 (Annexure P-3) suffered by Ravinder, the owner of the said ECCO car and the petitioner's employer. It is further submitted that the petitioner is not attributed with any overt act neither is there any allegation that the petitioner even accompanied the co-accused to the actual place of incident. The allegation raised against the petitioner is that he facilitated the co-accused in reaching the place of occurrence in the above mentioned ECCO car and was instrumental in helping them flee from the spot. Learned counsel for the petitioner has argued that there is no evidence on record to indicate any kind of connivance or conspiracy of the petitioner with the other co-accused, in so far as the commission of offence is concerned. The petitioner was a mere driver of the car, which had been hired by the co-accused. The petitioner himself, it is submitted, is a young person aged 21 years and is not involved in any other criminal case. The challan in this case stands presented and the petitioner has been in custody since 13.05.2019. Learned counsel submits that due to the outbreak of pandemic COVID-19, much head way is not being made in the trial. It is, thus, prayed that this petition be allowed.

Learned counsel for the State on instructions from SHO Ramphal, verifies that the vehicle make ECCO bearing registration No. HR-08-W-8574 is in fact owned by Ravinder son of Ram Niwas. Statement under Section 161 Cr.P.C. of Ravinder has been recorded wherein it is reflected that the present petitioner was employed as a driver with him at a salary of Rs.10,000/- per month since 01.01.2019 and that the vehicle was plied as and when booked by the customers.

It is not denied by learned counsel for the State as well as the complainant that no overt action has been alleged in the FIR qua the petitioner, which otherwise involves a triple murder. The petitioner had not left the vehicle in question at the time of the alleged occurrence, though learned counsel for the complainant argues that once the petitioner saw that the co-accused were armed, he should have immediately intimated the police authorities by going to the police post. Be that as it may, learned counsel for the State verifies that the petitioner is not involved in any other criminal case and has been in custody since 13.05.2019. Final report stands presented. There is no allegation that the petitioner is likely to abscond or influence witnesses. Due to outbreak of the pandemic COVID-19 there is not much progress towards conclusion of the trial. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

22.07.2020

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No