

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

CRM-M-10296-2020 (O&M)

Date of decision: 31.07.2020

Bijender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aakash Juneja, Advocate
for the applicant-petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM-17917-2020

Prayer in this application is for preponing the date of the main case i.e. fixed for 18.09.2020.

For the reasons stated in the application, the same is allowed.

Let the main case be preponed and taken up today itself.

CRM-M-10296-2020

This 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. 265 dated 24.07.2019, registered under Sections 379-B and 34 of the IPC at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner submits that the FIR was registered with the allegations that when the complainant was sitting in his

shop, two young men came to his shop on a bike and on the excuse of providing drinking water, they entered into the shop. This was opposed by the complainant and in the meantime, two more persons came there on a scooter. One of the said persons, who was holding a baseball bat, hit the complainant on his back, foot and on right side of his head, upon which, the complainant became unconscious and the accused persons fled away from the spot along with Rs. 10,000/-. It is further stated that the complainant can identify the accused persons.

Learned counsel for the petitioner further submits that the petitioner is a first offender and he is not involved in any other case. It is further submitted that petitioner is in judicial custody since 11.09.2019 and the name of the petitioner surfaced on the disclosure of a co-accused who was earlier arrested in the case.

Learned counsel for the petitioner further submits that no identification parade was done by the police.

Learned State counsel, on telephonic instructions from the Investigating Officer, has not disputed the factual position and submitted that challan has been presented on 22.10.2019 and the case is now fixed for recording the prosecution evidence, which is delayed due to outbreak of COVID-19.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that petitioner is in judicial custody for the last about ten months and conclusion of trial is likely to take a long time, the instant petition is

allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

31.07.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No