

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11128-2020

Date of Decision: 02.07.2020

Amit @ Dholiya

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Shweta Bawa, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.321 dated 19.07.2018 registered under Sections 148, 149, 323, 307, 379-B, 386, 427 and 506 IPC and Section 25 Arms Act, 1959 at Police Station Tosham, District Bhiwani. The petitioner is in custody since his arrest on 30.10.2019.

The FIR was lodged by complainant Mukesh Kumar, wherein it was alleged that he was working at a liquor vend, which was in the name of Vianayak Wine and power of attorney of the same was in favour of Ramphal s/o Man Singh. According to the complainant on 19.07.2018, approximately 15-20 boys came at the liquor vend and snatched away Rs. 8500/- after firing shots upon the salesman Ram Chander. In the said occurrence, Ram Chander suffered injuries, however, no gun shot was suffered by him.

Learned counsel for the petitioner has contended that though the petitioner was named in the FIR, but he was not armed with any firearm

weapon. According to her, injured Ram Chander suffered four injuries and, therefore, considering the nature of the offence, the further custody of the petitioner may not be necessary, particularly when all the co-accused have been released on bail. According to her, the investigation of the case is complete and the petitioner is not required for any investigation etc. It is prayed that he be released on regular bail, pending trial.

On the other hand, learned State counsel assisted by ASI Anand, has opposed the prayer on the ground that the petitioner was specifically named in the FIR and he participated in the crime. However, it is not disputed that the investigation of the case is complete and all the co-accused of the petitioner have been released on bail. He has submitted that the petitioner is involved in another case as well. However, in the said cases, either he has been acquitted or has been released on bail. He has pointed out that the charges were framed on 01.02.2020, however, no witness has been examined so far by the prosecution out of the total 43 witnesses.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 30.10.2019 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 in the above

case, subject to his furnishing requisite bail bonds/surety bonds to the

satisfaction of the trial Court/Duty Magistrate Bhiwani.

The petition is allowed.

02.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No