

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-12617-2020

Date of Decision:02.06.2020

Arvind @ Ajju

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.65 dated 29.02.2020 under Sections 380, 436, 457, 506, 34 IPC, registered at Police Station Barauda, District Sonipat.

The contents of the FIR are as under:-

“It is submitted that I Jagdish son of Partap Singh, Jat by caste, am R/o Bhawad. I am in business of liquor contract etc. and I am having my office at Village Bhawad. That on 16.01.2020, some unknown persons after committing theft, set my office on fire due to which I suffered loss in figure of lacs. That I was searching those unknown persons at my own level and now I have come to know that Tonna son of Beda, Pandit

by caste, Bhajju son of Sewa Harijan by caste, Meetu son of Paale, Lohar by caste R/o Bhawad after committing theft in my office set the same on fire. Upon my asking all these 3 persons threatened me with dire consequences. Today, i.e., on 29.02.2020, I have come to Police Station and have given my application to you against all these 3 persons. Action be taken.”

Learned counsel for the petitioner submits that the alleged incident has taken place on 16.01.2020, whereas the present FIR was registered on 29.02.2020 and there is no plausible explanation made by the complainant to explain the delay in reporting the matter to the police. He further submits that petitioner is in custody since 01.03.2020 and challan in the case has been presented on 08.05.2020, but the charges have not been framed so far. In this manner, trial in the case will take a sufficient long time.

Learned State Counsel, on instructions from SI Om Parkash, submits that the allegations against the petitioner are serious. The petitioner and other co-accused after committing the theft set the office of the complainant on fire causing substantial loss of property.

Heard learned counsel for the parties.

Considering the fact that culpability of the petitioner is yet to be established during the course of trial, he is in custody since 01.03.2020 and trial in the case will take sufficient long time as challan has been presented on 08.05.2020, but the charges have not been framed so far, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

June 02, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No