

CRM-M-12818-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-12818-2020 (O&M)

Date of Decision: 8th June, 2020

Ashwani @ Ashu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr.Munish Kumar Garg, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.349, dated 16.06.2019, registered at Police Station Jind City, under Sections 392, 394, 397 and 120-B of the Indian Penal Code and Section 25 of the Arms Act.

Counsel for the petitioner contends that as per the prosecution case, petitioner was driving the motorcycle and co-accused Sarthak was pillion rider on the same. He snatched the bag from the complainant and initially, when he did not leave the bag, Sarthak shot him on his leg with a pistol. Petitioner is alleged to have led to recovery of Rs.75,000/-, aadhar card and bag of the complainant. Counsel contends that out of 23 prosecution witnesses, four witnesses have been examined and one is given

up. The next date of hearing before the trial Court is 04.08.2020. He points out that the co-accused of the petitioner, namely, Ravi, who is alleged to have hatched the conspiracy for the commission of offence stands granted bail by this Court in CRM-M-44872-2019 vide order dated 29.10.2019 (Annexure P-9). He states that apart from the present case, petitioner is not involved in any other case. Petitioner being in custody for almost one year be granted the concession of bail as the trial is not likely to conclude in near future.

Counsel for the State, on the other hand, contends that the petitioner is actively involved in the commission of offence as he is the person who has driven the motorcycle. Distinction has been drawn by the counsel for the State with the case of the petitioner with that of co-accused Ravi by asserting that since he was not present at the spot, the benefit of regular bail was granted to him. He, thus, prays that the petitioner be not granted the concession of bail. He, however, could not dispute the fact with regard to the custody period of the petitioner, no other case registered against the petitioner, witnesses who have been cited/examined and the next date of hearing before the trial which is 04.08.2020.

I have considered the submissions made by the learned counsel for the parties and in the given facts and circumstances of the present case, especially with the allegation of the petitioner having driven the motorcycle although recovery has been effected from him of the money as well as the bag and aadhar card of the complainant but the petitioner having been in custody for almost one year being arrested on 28.06.2019, petitioner is not

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involved in any other case, the trial not likely to conclude in near future in the light of the prevailing pandemic as also the fact that out of 23 witnesses, four witnesses have been examined and one given up, this criminal miscellaneous petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Jind.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

8th June, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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