

Sr. No.208

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-13222 of 2020 (O&M)

Date of Decision: 10.06.2020

Sahil

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Balraj Singh, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in case FIR No.392 dated 12.09.2018 registered under Sections 384 IPC (later on added Sections 392/483/397 IPC and 27-54-59 of Arms Act, 1959), Police Station Kurukshetra University, Haryana.

2. As per allegation in the FIR, two unidentified persons looted a motor cycle and mobile from the complainant by claiming that they are having gun with them.

3. Learned counsel for the petitioner submits that the petitioner was initially arrested in case FIR No.256 dated 08.11.2018 under Sections 186/307/353/420/34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Panipat. During investigation of that case, in his disclosure statement he admitted his involvement in the present case. He submits that said custodial admission has no legal sanctity. He further submits that in FIR

No.256, *ibid*, the petitioner has already been granted regular bail by this Court vide order dated 17.02.2020 (Annexure P-1). He emphatically submits that investigation of the case is already over and his custodial interrogation is no more required and yet petitioner is behind bar since 08.11.2018.

4. Learned counsel for the petitioner further submits that due to lockdown caused by the Covid pandemic, the trial of the petitioner is held up. None of the prosecution witnesses have been examined and trial is not likely to be concluded in near future.

5. Notice of motion.

6. Mr. Vikrant Pamboo, DAG, Haryana, who has joined the proceedings on service of advance copy of petition, accepts notice on behalf of State of Haryana. He opposes grant of bail to the petitioner.

7. I have both the learned counsels. Investigation is admittedly over, challan has already been filed, charges have been framed and trial has commenced in the FIR in question herein. The petitioner was granted bail by JMJC, Kurukshetra vide an order dated 01.03.2019 but he could not furnish/arrange for bail bond. The other case where petitioner is stated to be involved, and which formed the basis of rejection of his bail by the learned Session Judge, he has been already granted bail by co-ordinate bench of this Court vide order P/1.

8. The petitioner is in custody since 08.11.2018. The admissibility of disclosure statement has to be adjudged by the trial Court. The trial is not likely to conclude anytime soon due to the pandemic conditions currently prevailing in the country. Without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds with local surety to the satisfaction of learned

Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, as the case may be.

10.06.2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No