

217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13771-2020 (O&M)
Date of decision-18.08.2020

Parmod

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0303 dated 13.08.2019 registered under Section 379-A read with Section 34 of Indian Penal Code, 1860 at Police Station Civil Lines, Jind, District Jind. The petitioner is in custody since his arrest on 30.09.2019.

The FIR was registered on the complaint moved by Dalbir Singh, which reads as under:-

“It is submitted that I Dalbir Singh son of Hukum Chand Shanna am resident of Village Radhana District Jind and working on rent of putting the soil. Yesterday on 12.08.2019 when I was returning to my home after completion of my work the moment when I reached near the bridge and

stopped my motorcycle and started talking on Mobile Phone then three boys came from back side and they fled away after snatching one Polybag and Mobile Phone. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner was indicted as an accused on the basis of the disclosure statement suffered by his co-accused, namely, Shoran. According to him, the said accused and the petitioner were already an accused in some other case, wherein they admitted the present occurrence of snatching the mobile etc from the complainant, but pursuant to the arrest of the petitioner, no recovery was effected from him. It is contended that out of 13 prosecution witnesses, 6 witnesses have been examined so far by the prosecution. He has prayed for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Kulwant Singh has opposed the prayer on the ground that the petitioner was also involved with his co-accused-Shoran in the present occurrence as they both were accused in other case as well. However, it is not disputed by him that no recovery was effected from the petitioner.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer of the petitioner particularly when the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19. The petitioner after his arrest on 30.09.2019 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 concerned.

The petition is allowed.

18.08.2020
vanita

(MANOJ BAJAJ)
JUDGE

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