

CRM-M-13973-2020

Date of decision : June 18, 2020

Julfan @ Poona

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No. 222 dated 18.03.2017 under Sections 148, 149, 307, 323 IPC; Sections 25, 54, 59 Arms Act and Section 13(2) the Haryana Gaurav Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Model Town, Panipat.

It is submitted that there is no evidence on record against the petitioner except the disclosure statement of the co-accused Moni, who has since been granted the concession of bail on 09.01.2018 in CRM-M-39833 of 2017 (Annexure P3). The petitioner is stated to be in custody since 13.11.2019. Final report under Section 173 CR.P.C. stands presented. Learned counsel for the petitioner further submits that the petitioner is not involved in any other criminal case. Keeping in view the situation which has arisen due to the outbreak of the pandemic, COVID-19, the trial in this case is not likely to conclude in the near future. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State verifies that final report under Section 173 Cr.P.C/challan stands presented and that the petitioner is not involved in any other criminal case. He, however, submits that the petitioner was declared a proclaimed offender earlier and it is possible that he may not be available for trial. Learned counsel for the State, on instructions from ASI Davinder Kumar, is unable to deny that apart from the disclosure statement of the co-accused Moni, there is no other palpable evidence on record against the petitioner at this stage. There are twenty two (22) prosecution witnesses to be examined in this case and the trial in this case is not likely to conclude in the near future, in view of the peculiar situation arising due to the outbreak of the pandemic, COVID-19

There are no allegations on behalf of the State that petitioner is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing heavy bail bonds and surety, including a local surety to the satisfaction of the learned trial Court/Duty Magistrate, Panipat.

It is made clear that in case the petitioner does not present himself before the learned trial Court on each and every date fixed, unless specifically exempted, bail afforded to the petitioner may stand cancelled.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

June 18, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No