

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14879-2020(O&M)

Date of decision : 27.08.2020

Sagar	Vs.	...Petitioner
State of Haryana		...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Santosh Kumar Tripathi, Advocate, for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is the petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.196 dated 02.10.2019 under Sections 147, 149, 379-B of the Indian Penal Code, 1860 (for short, 'IPC') registered at Police Station Chhainsa, District Faridabad.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the case and that the petitioner had vide CRM-19425 of 2020 placed on record an affidavit of the complainant wherein the complainant has specifically stated that the petitioner had not committed the offence and that the petitioner was innocent. It has further been stated in the affidavit that the police had not conducted any identification parade after arresting the accused.

On the last date i.e. 18.08.2020, the State was directed to file a status report regarding the affidavit produced on the record by the petitioner. Today, though no status report has been filed, some documents have been filed by the learned Assistant Advocate General, which have

been sent to the court via email, the same have been printed and a copy retained on the file. As per the said documents, one of which is a one-page letter addressed by the SHO, Chhainsa, Faridabad to the office of the Advocate General, Haryana, wherein it has been stated that the affidavit of the complainant was verified by Sub Inspector Satpal Singh and was found to be correct. Further a copy of the statement of the complainant has also been sent wherein the complainant has admitted having executed the affidavit dated 16.06.2020, which is attached with the petition as Annexure P-4.

Learned State counsel, on instructions from SI Satpal, has stated that as per the documents produced on the record the affidavit dated 16.06.2020 executed by the complainant is a genuine document.

In view of the above, without expressing any opinion on the merits of the case, and in view of the current situation created because of the COVID-19 pandemic, no useful purpose would be served by keeping the petitioner in custody, the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition stands disposed off accordingly.

August 27, 2020

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Whether speaking/reasonable: Yes/No.

(ALKA SARIN)

JUDGE

Whether reportable : Yes/No.