

CRM-M-14812-2020
Date of decision: 15.09.2020

Mohd. Ahmad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGIPresent : Mr. Manoj Pundir, Advocate
for the petitioner.Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in the present (first) petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No.154 dated 13.11.2019 under Sections 379-A and 473 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Pratap Nagar, District Yamuna Nagar, Haryana.

The petitioner, who is in custody since 03.12.2019, has filed the present (first) petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply by way of affidavit of Ashish Chaudhary HPS, Deputy Superintendent of Police, Bilaspur (Yamuna Nagar).

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that FIR was registered on statement of Ram Bhaj with unexplained delay of about 1 ½ months regarding snatching of his Scooty and valuables by some unknown persons. The petitioner has been falsely implicated in the case on the basis of disclosure statement of the co-accused. No test identification parade was got conducted. Recovery of 3 silver rings allegedly belonging to the complainant has been planted on the petitioner. The petitioner has also been falsely implicated in some other cases of similar nature in which the petitioner has been granted bail. The trial is likely to take long time due to restrictions imposed on account of pandemic of Covid-19. The petitioner is not involved in any other case. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petition may be allowed and the petitioner may be enlarged on bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having committed heinous offences of threatening the complainant and snatching his scooty and valuables. Besides, the present case, the petitioner is involved in three other cases of similar nature. In view of gravity of offences committed, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, period of his custody and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner

deserves grant of regular bail.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

15.09.2020
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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