

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

**CRM-M-15195-2020 (O&M)
DATE OF DECISION : 14.08.2020**

Amit Gulia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 253 dated 21.04.2016, registered under Sections 392 read with Section 34 IPC(later replaced with Section 395 IPC) and Section 25 of Arms Act, Police Station DLF Sector 29, Gurugram.
2. FIR in this case was got registered by one Devender Kumar, wherein he apprised the police that on 20.04.2016 three unidentified persons robbed cash, jewellery and credit cards from him and fled away after snatching his Fortuner vehicle at gun point. Later during investigation involvement of petitioner was unearthed.
3. Learned counsel for the petitioner submits that co-accused of the petitioner are on bail. According to him, during trial the complainant Devender has not supported the prosecution case and has failed to identify the petitioner. Thus, there is no incriminating evidence against the petitioner proving his involvement in the crime and there are bleak chances of his conviction. He further submits that

petitioner is in custody for more than three years in this case. Presently, there is no headway in the trial due to Covid-19 pandemic.

4. On the other hand learned State counsel has opposed the bail plea. According to him, the petitioner misused the concession of interim bail granted to him. He submits that applicant was granted interim bail for ten days on 07.05.2018 for taking exams but he did not adhere to the directions and failed to surrender before the Court. He evaded the trial and was declared proclaimed offender, as is evident from the order dated 22.05.2020 of learned Additional Sessions Judge, Gurugram.

5. Per contra, learned counsel for the petitioner submits that the petitioner was arrested on 21.05.2018, just after four days of the due date of his surrender i.e. 17.05.2018, but in some other case. He was not produced by the jail authorities before the Court in this case and resultantly he was declared proclaimed offender, for no fault of his.

6. The petitioner is in custody for about three years in this case. He was initially arrested on 30.04.2016 and was released on interim bail on 07.05.2018. After his re-arrest on 21.05.2018, though in some other case, he is in custody ever since. As per Annexure P-1 i.e. the statement of complainant recorded during the trial, he has shown hostility towards the prosecution case. Presently, the trial is held up on account of pandemic where the Courts are working with restriction and taking up only the urgent matters. In the circumstances, no useful purpose would be served by detaining the petitioner in custody any further.

7. Accordingly, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Gurugram, as the case may be.

(ARUN MONGA)
JUDGE

August 14, 2020
Jiten

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