

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

203

**CRM-M-15220-2020(O&M)
Date of Order:03.09.2020**

LALIT

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tushar Gautam, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conference on account of restricted functioning of the Courts.

The petitioner-Lalit son of Jaidev, prays for grant of bail pending trial in a criminal case arising from FIR No.533, dated 28.12.2019, registered under Section 392/397/307/34 IPC and Section 25/54/59 of the Arms Act, at Police Station Chandhut, District Palwal, Haryana.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Palwal, in paragraph 2 of the order dated 06.05.2020, which is extracted as under:-

“2. As per prosecution, on 28.12.2019 Neeraj injured made statement that at about 5.30 PM, he, his brother padam and aunt Bhojwati were warming hands at the fire. Meanwhile, Lalit @ Lalti and one unknown boy came. With intention to kill, they fired on him. He sustained injuries on his chest and abdomen. His brother Padam caught hold driver of motor cycle. The pillion rider fired shot on the hand of his aunt Bhojwati. On hearing noise, neighbours came. The boys also fired in air. Their motor cycle failed to start. Meanwhile,

passerby came on motor cycle. Those boys snatched his motor cycle at gun point and fled away leading behind their Apache motor cycle No. HR 30Q-8971. On statement, FIR was registered. On 2.1.2020 accused Lalit @ Lalti son of Kehar Singh was arrested. He made confessional statement and got recovered country made pistol and motor cycle. Accused Lalit son of Jaidev was arrested on 5.1.2020."

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and he is sought to be indicted in the case on the statement of co-accused Lalit @ Lalti son of Kehar Singh. He further submits that the petitioner is in custody for approximately 8 months.

On the other hand, learned State counsel has stated that the petitioner was driving the motorcycle. He further submits that the substantive evidence would come only when the first informant deposes in the Court.

The petitioner is in custody since 05.01.2020. As per the information supplied by learned counsel for the State, on instructions from ASI Mahender Singh, the petitioner does not have any criminal antecedents. The petitioner has already suffered incarceration for a period of 8 months approximately.

Due to spread of the Novel corona virus and restricted functioning of the courts on account thereof, conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 05.01.2020 and

conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

September 03, 2020
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(ANIL KSHETARPAL)
JUDGE

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