

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[1] CRM-M No.15387 of 2020
Date of Decision : 14.09.2020

Kanhaiya Shah ...Petitioner

Versus

State of HaryanaRespondent

[2] CRM-M No.11019 of 2020

Gudlesh Kumar ...Petitioner

Versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Rajesh Bansal, Advocate for the petitioner(s).
Mr. Surender Singh, Asstt. A.G., Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. This order shall decide CRM-M No.15387 of 2020 in case titled as 'Kanhaiya Shah versus State of Haryana' and CRM-M No.11019 of 2020 in case titled as 'Gudlesh Kumar versus State of Haryana', as both the petitions for regular bail arise out of FIR No.282 dated 19.12.2019 registered under Sections 379-B and 452 IPC, at Police Station Loharu, District Bhiwani.

3. Learned counsel contends that the case was registered against the petitioners, solely on account of their not being local residents and they

complainant, his wife's gold chain was snatched by the petitioners from his house, the site plan attached by the Investigating Officer is of some other persons' house. Secondly, the complainant's wife was medico legally examined but in the MLR, it was mentioned that some unknown persons had snatched the gold chain of the complainant's wife, whereas the same Investigating Officer, had recorded the statement of the complainants wife, prior to her medico legal examination and in the said statement, names of the petitioners had been mentioned.

4. Learned counsel further contends that the petitioners are in custody since 19.12.2019, none of them is a previous convict nor is involved in any other criminal case and that although challan has been filed, charges have not been framed and that in the circumstances, trial of the case would take considerable period of time, consequently, further detention of the petitioners in custody is not justified.

5. Learned State Counsel does not controvert the aforementioned factual position but contends that the petitioners are from Bihar and if they are granted the concession of bail, there is every likelihood of their absconding and not remaining present for the trial.

6. I have considered the submissions of learned counsel. Admittedly, the petitioners were arrested on 19.12.2019. Challan has been filed but charges have yet not been framed. The gold chain as is alleged to have been snatched, has also been recovered and due to circumstances prevailing on account of Corona Virus Pandemic, trial is not progressing and is likely to take considerable period of time.

CRM-M No.15387 of 2020 and CRM-M No.11019 of 2020 are allowed. The petitioners i.e. *Kanhaiya Shah and Gudlesh Kumar* are ordered to be released on regular bail, subject to their furnishing requisite bail / surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, to ensure their presence to face trial and provided they are not required in any other case. The petitioners shall also abide by the conditions contained in Section 437(3) Cr.P.C.

8. However, nothing stated hereinabove shall be taken to be an expression of opinion *qua* the merits of the case.

(B.S. Walia)
Judge

September 14, 2020
'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>