

102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15421-2020

Date of decision-20.07.2020

Sagar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana

MANOJ BAJAJ, J.

Petitioner-Sagar has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.41 dated 30.09.2019 registered under Sections 307, 506, 120-B and 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Gadpuri, Sadar Palwal, District Palwal. The petitioner is in custody since his arrest on 01.10.2019.

The FIR was registered on the basis of the statement of Manjeet Singh wherein it was alleged that Sagar (petitioner) got conducted the Police raid at a shop belonging to his friend Vishnu for recovery of liquor, however, nothing was recovered. On 30.09.2019, when complainant was going towards a shop, Sagar along with Narender came on a motorcycle and fired 2-3 shots at him from a country made pistol. The complainant escaped

narrowly, however, the injury was suffered by passerby, namely, Vidya Devi wife of Lekh Raj. On these broad allegations, the above said FIR was registered.

Learned counsel for the petitioner contends that the petitioner is in custody for a long time and no prosecution witness has been examined so far after framing of charges on 11.02.2020. It is pointed out that his co-accused was extended the concession of regular bail vide order dated 18.11.2019 (Annexure P-2). According to him, further custody of the petitioner may not be necessary and therefore, it is prayed that he be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Hanish Khan opposed the prayer on the ground that the petitioner was armed with weapon and had fired at the complainant along with his co-accused Pardeep (wrongly mentioned as Narender in the FIR). According to him, a passerby namely, Vidya Devi suffered injury, though the said injury was simple in nature. It is not disputed by learned State counsel that no witness has been examined so far out of total 18 prosecution witnesses. It is further pointed out that there are 07 other cases against the petitioner under the Excise Act and Indian Penal Act. At this stage, learned counsel for the petitioner has stated that the petitioner is on bail in all other cases and the offences in the other cases are not serious in nature.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time to conclude as the country continues to be in the

throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 01.10.2019 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Palwal.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.07.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No