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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15533-2020
Date of decision-02.07.2020

Ishwar @ Amit

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Kathuria, Advocate for
Mr. D.S.Adlakha, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana

MANOJ BAJAJ, J.

Petitioner-Ishwar @ Amit has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.98 dated 01.03.2020 registered under Sections 342 and 397 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Sadar Hisar, District Hisar. The petitioner is in custody since his arrest on 02.03.2020.

The FIR was registered on the basis of complaint given by Sanjeev Chaudhary, wherein it was mentioned that on 28.02.2020, he received a phone call from his friend Anish Delaver, who offered him to get issued him a licence of weapon and demanded Rs.60,000/-. The complainant agreed and after arranging the money went to him, and from his place they went to the house of Amit Chattri. Then they all went towards canal of

Satrod. There, friends of Anish introduced themselves as CIA staff members and looted four gold chains, a gold ring worn by him and cash amount of Rs.60,000/-. As per the complainant, his two companions, namely, Amit Chattri and Anish Delaver were also involved in the crime who had given him beatings. On these broad allegations, the above said FIR was registered.

Learned counsel for the petitioner contends that the allegations contained in the FIR on the face of it appear highly improbable and not worth believing. According to him, petitioner was not named in the FIR and was indicted as an accused on the basis of disclosure statement suffered by Anish Delavar. He submits that the petitioner is not involved in any other case and investigation of the case is complete, therefore, his further custody may not be justified. He prayed that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Vishwajeet opposed the prayer on the ground that the petitioner was one of those three persons who had stopped the complainant. He submits that they all had conspired to commit the alleged crime and the said two friends of the complainant are now accused in this case. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case much less of the similar nature. According to him, final report stands filed on 20.05.2020.

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 02.03.2020 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, Hisar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

02.07.2020

vanita

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