

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

211

CRM-M-15779-2020 (O&M)

Date of decision: 03.07.2020

Hunny

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-13857-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 is for exemption from filing signed power of attorney of the petitioner in original and affixing the process fee during the period of lock down.

In view of the lock down restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing signed power of attorney of the petitioner in original and affixing the process fee as prayed for and the same be filed within one week from the date of resumption of normal working.

CRM-M-15779-2020

The petitioner has filed the present (first) petition under

Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.39 dated 11.02.2020 registered under Section 392 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Sadar Sirsa, District Sirsa to which Section 395 of the IPC was added lateron.

The above said FIR has been registered on the application moved by Surat Singh. In the said application Surat Singh alleged that on 31.10.2019 he along with Dungar Singh, Conductor loaded wheat on truck bearing registration No.HR46D/9257 from Sirsa and left for Rohtak at about 10:00 P.M. When they reached Nezadela by-pass, 4-5 persons came on two motorcycles and stopped their truck. Two of them with muffled faces boarded the truck and asked him to hand over whatever he possessed and threatened to shoot him if he failed to do so. Remaining persons were armed with lathies. He handed over amount of Rs.2,500/- to them due to fear. They snatched mobile phone from Dungar Singh, Conductor.

The petitioner, who is in custody since his arrest on 07.04.2020, has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State Counsel who has opposed the same.

I have heard learned counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the incident took place on 31.10.2019 but the FIR was lodged with undue, unexplained and unreasonable delay of more than three months. The petitioner was not named in the FIR and has been implicated on the

basis of disclosure statement of co-accused Avtar Singh @ Taru. Recovery of amount of Rs.200/- was allegedly made from the petitioner at the time of his search. The petitioner had no connection with other co-accused and was not involved in the crime. There is no evidence against the petitioner. The petitioner is not involved in any other case. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that in view of the gravity of accusation the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has, on instructions from ASI Ashok Kumar, conceded that the petitioner is not involved in any other case.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that he is not involved in any other case and the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner may be extended the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence and in case

of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

03.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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