

203-b **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16147-2020 (O&M)

Date of decision : July 10, 2020

Virender

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Sullar, Advocate for the petitioner.

Ms. Gaganpreet, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR 121 dated 26.05.2019 under Section 379B IPC registered at Police Station Hansi Sadar, District Hansi.

It is submitted that the petitioner has been falsely implicated in this case merely on the basis of the disclosure statement of the co-accused Shubham @ Bigni. It is further submitted that on the basis of disclosure statement of the said co-accused, the present petitioner is sought to be involved in the present case as well as two other criminal matters i.e. FIR No. 125 dated 13.05.2019 under Sections 394, 397 IPC and Section 25 of the Arms Act registered at Police Station Uklana, District Hisar, Haryana and FIR No. 79 dated 29.05.2019 registered at Police Station Bagora, District Jalore, Rajasthan under Sections 302, 34 IPC and Section 3 and 25 of Arms Act. The petitioner was arrested in FIR No. 79 dated 29.05.2019. It is contended that apart from the fact that there is no palpable evidence on record to link the petitioner with the incident in question, even as per the disclosure statement of Shubham, no active participation in the actual commission of the crime has been attributed to the petitioner. Learned counsel further submits that involvement of the petitioner's motorcycle in the incident is clearly suspect. The petitioner is stated

to be a HIV positive patient and has been granted the concession of bail in FIR No. 79 dated 29.05.2019 vide order dated 21.05.2020 (Annexure P5) by the High Court at Jodhpur. Except three criminal cases mentioned as above, the petitioner it is submitted, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Satpal, is unable to deny that the petitioner is sought to be involved in all the three cases on the basis of the disclosure statement of the co-accused Shubham @ Bigni. It is further verified that the petitioner is HIV positive patient. Final report under Section 173 Cr.P.C./challan stands presented. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/Duty Magistrate, Hansi.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 10, 2020
rts

(Lisa Gill)
Judge

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