

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 16116 of 2020

Date of decision : August 17, 2020

(Through video conferencing)

Amit Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Munish Behl, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG., Haryana.

Mr. S. S. Jattan, Advocate
for the complainant.

Manjari Nehru Kaul, J (Oral):

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No.136 dated 23.8.2019 under Sections 307,34,341,506 IPC and Section 25,54,59 of the Arms Act and Section 212, 120-B and 324 IPC (added subsequently) registered at Police Station Shahzadpur, District Ambala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The co-accused in their disclosure statement made before the police stated that the petitioner was not involved in the alleged occurrence and had only conducted a recce qua the whereabouts of the complainant. He further contends that no recovery was effected from the petitioner which lends credence to the petitioner not being present at the spot at the time of alleged occurrence. He has further apprised this Court that even in the challan which has been presented by the

Investigating Agency, no injury has been attributed to the petitioner.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner has not been able to controvert the submission of the learned counsel for the petitioner that the only role attributed to the petitioner in the challan, which has since been presented, is of carrying out a recce qua the whereabouts of the complainant. He has on instructions from ASI Roop Singh further apprised this Court that prosecution evidence has not yet commenced and only report under Section 173 Cr.P.C has been presented till now.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 27.8.2019 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No