

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 16961-2020

DATE OF DECISION: AUGUST 6, 2020

RAVI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MOHIT NEHRA, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Ravi has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.19 dated 9.1.2019 under Section 394 IPC and Section 25/54/59 Arms Act (later on substituted with Section 379-B/395/457 IPC and Section 25 Arms Act), Police Station Tosham, District Bhiwani. The petitioner is in custody since his arrest on 12.9.2019.

The FIR was registered on the statement of Pawan Kumar wherein it was alleged that on the intervening night of 8/9.1.2019 at about 3.44 a.m., he received a telephonic information that four young boys armed with weapons committed robbery in his petrol pump, namely, Singhal Petro at Tosham Road, Near Herbal Park, Kairu. He rushed to the petrol pump and made an enquiry from his employees and his Salesman Parveen and Chowkidar Munshi Ram told him that in the night at about 3.30 a.m. when they were sleeping in their room, four young boys with covered faces

entered the room. Three were having pistols in their hands and one was holding an iron rod. One of them pointed a pistol on Salesman Parveen and took away the amount of Rs.2500/- from his pocket and thereafter pointed his pistol towards Chowkidar Munshi Ram and took away Rs.1500/- and Arms Licence and asked for keys of office and almirah, which were not given. Thereupon two persons entered the office by breaking the glasses and opened the almirah after breaking open the lock with iron rod. They also broke the drawer of the office table, but found nothing in it. They took away 6 plastic sample bottles of diesel of 5-5 litres and 4 bottles of petrol. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the petitioner alongwith his co-accused Aman was already in custody in case FIR No.128 dated 31.5.2019, under Section 398, 401 IPC and Section 25 Arms Act, registered at Police Station IMT Rohtak and pursuant to the disclosure statement suffered by Aman, they both were indicted in the present case. He submits that the investigation in the case is complete and nothing has been recovered from the petitioner. According to him, the challan was filed on 21.11.2019 and the charges were framed on 27.2.2020, but no witness has been examined so far. He submits that in the other case, the petitioner has already been released on regular bail vide order dated 18.11.2019. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Om Parkash has opposed the prayer on the ground that the petitioner is

involved in another case, however, it is not disputed that he has been released on regular bail in the said case. According to him, there are in all 25 witnesses, but no one has been examined so far.

After hearing the learned counsel for the parties, this Court is of the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose. 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 concerned.

The petition is allowed.

August 6, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No