

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH207

CRM-M-17060-2020

Date of decision: 04.09.2020

Sandeep @ Mota

....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.
Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Sandeep @ Mota, stated to be aged 25 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.182 dated 04.09.2017, under Sections 147, 148, 149, 302, 216, 120-B IPC and 25 of Arms Act, 1959, registered at Police Station Bass, District Hissar.

Learned Senior counsel for the petitioner based on pleadings submits that a perusal of the FIR would show that same has been registered against some unknown persons. He then submits that the petitioner was already in custody on the date he was taken in custody in the present FIR. Learned counsel further submits that the statement of the eye witness would show that he was not supported the prosecution version. This statement,

which was recorded on 12.12.2019 has been appended as Annexure R1 with the reply/short report by way of affidavit of Bhagat Ram, HPS, Deputy Superintendent of Police, Narnaund. A perusal of the same would show that it is specifically recorded to the effect that learned Public Prosecutor requested that the witness is suppressing the truth. It further goes to record that Public Prosecutor had submitted that the witness be declared hostile. Learned Senior counsel for the petitioner also submits that even the Annexure R2 (appended with the report) also show that the recovery of pistol(s) has been made from the accused Amit and Hari Om (from the co-accused and not the petitioner).

Learned State counsel, on instructions from SI Surjit Singh, submits that the challan was presented on 05.03.2018. There are total of 56 witnesses and only 7 have been examined till date. He further submits that there are some more FIRs against the petitioner.

Faced with the situation, learned Senior counsel for the petitioner submits that since the date of arrest, the petitioner has already undergone two years and nine months of custody. Learned counsel then submits that the petitioner is a young boy of 25 years and has a good prima facie case on merits, therefore, he prays for grant of concession of bail. He also submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail would be dangerous to his life.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time,

this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No