

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17269-2020

DATE OF DECISION: JULY 20, 2020

UMESH GARG

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GAURAV SETHI, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Umesh Garg has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial, in case FIR No.44 dated 31.1.2020, under Section 120-B/201/302/34/346/412 IPC, Police Station Mahesh Nagar, District Ambala. The petitioner is in custody since his arrest on 17.2.2020.

According to the prosecution, initially the FIR was registered on the statement of complainant Dalip Singh regarding missing of his son, namely, Swaranjit Singh. It was alleged that his elder son Swaranjit Singh used to drive his car and left the house on 27.1.2020 in the afternoon at about 12.30 p.m. in his vehicle bearing No.HR01-AQ-2532. As per information, attempts were made to trace him, but he could not be found. Later on the dead body of Swaranjit Singh was found and other offences were also added in the FIR including the offence punishable under Section 302 IPC.

Learned counsel for the petitioner contends that the petitioner has no concern with the alleged homicidal death of the victim, as he was indicted as an accused only on the ground that the vehicle belonging to the victim was purchased by him from co-accused Jarnail Singh, thereby committing an offence punishable under Section 412 IPC. He has argued that his co-accused, namely, Saravjit Singh, Manish @ Golu and Jarnail Singh were involved in the murder of Swaranjit Singh. He has prayed that as the investigation of the case is complete and the final report has been filed before the Court, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be given the concession of regular bail.

On the other hand, learned counsel for the State assisted by SI Bhupender Singh has opposed the prayer. However, he submits that the co-accused of the petitioner were involved in the homicidal death of Swaranjit Singh. It is pointed out by him that accused Manish @ Golu being a handicap, frequently used to hire the taxi of the victim and on the day of occurrence also, he called Swaranjit Singh to visit the house of Jarnail Singh, where Saravjit Singh was already present. According to him, the trio committed the offence and thereafter sold his vehicle to the petitioner.

Considering the above background, this Court does not find any reason to decline the prayer of the petitioner as the trial 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 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.

July 20, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No