

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19230-2020 (O&M)

Date of Decision: 05.08.2020

Hakam @ Sahim

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Ms. Rosi, Advocate for the petitioner

Mr. Amit Aggarwal, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Hakam @ Sahim who is stated to be aged 27 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.0561 dated 07.07.2019 under Sections 346 IPC (Sections 365, 506 IPC; Sections 6 of the POSCO Act, 2012 and Sections 3-33-89 of SC & ST Act, 1989 were added later on) registered at PS Nuh, District Nuh.

Learned counsel based upon the pleadings submits that there are no specific allegations in the FIR against the petitioner. Rather the petitioner is not named in the FIR. The petitioner is in custody since 09.07.2019. She further submits that the co-accused was granted regular bail on 05.10.2019 by Id. Additional Sessions Judge, Nuh. In the operative part of the order, it has been recorded as under:-

...There is no justified apprehension that petitioner-accused may influence the witnesses, abscond or may commit a similar offence if released on bail. The investigation in this case has already concluded and the final report has been submitted in

the Court. Petitioner-accused is in judicial custody since 19.7.2019. No useful purpose would be served by detaining the petitioner-accused further in custody. Trial is likely to take considerable time to conclude. Without commenting anything on the merits of the case, petitioner-accused is admitted to regular bail on his furnishing bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of this Court subject to the condition that he shall not contact the victim or be seen around her house/school in order to create any influence upon her...”

Notice of motion.

On the asking, Mr. Amit Aggarwal, DAG Haryana accepts notice through video conferencing.

Learned State counsel, however, on the other hand, submits that challan in this case has been presented and charges have been framed. There are a total of 24 witnesses and none have been examined.

Counsel for the petitioner submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, the petitioner shall furnish bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the trial Court subject to the condition that he shall not

contact the victim or be seen around her house/school in order to create any influence upon her.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

05.08.2020

vishal shonkar

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No