

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-19645-2020
Decided on : 21.07.2020**

Arshad

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sarfraj Hussain, Advocate
for the petitioner(s).

Ms. Dimple Jain, Asstt. AG, Haryana
assisted by ASI Krishan Kumar.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 499, dated 27.10.2013, under Sections 395,412 of IPC, registered at Police Station Manesar, District Gurugram.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case on the basis of the disclosure statement made by the co-accused before the police. There was, in fact, no evidence to connect the petitioner with the crime in question. He further submits that the co-accused, who had been challaned and on whose disclosure statement the petitioner was nominated as an accused has since been acquitted by the learned trial Court vide its judgment dated 19th January, 2019 (Annexure P-1).

Learned counsel for the petitioner further contends that the petitioner was unaware of his implication in the instant case, as a result of which, he was declared a proclaimed offender *in absentia* and eventually

arrested only on 18th November, 2019. He further also submits that the

similarly situated co-accused was granted the concession of regular bail by this Court vide order dated 19th June, 2020 (Annexure P-3).

On the other hand, learned State counsel on instructions from ASI Krishan Kumar, has apprised this Court that the petitioner is not involved in any other criminal case, except in a case under Section 174-A of IPC, which was registered on account of him absconding from the proceedings before the learned trial Court.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody for the past seven months coupled with the fact that the challaned accused persons already stand acquitted by the learned trial Court, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Accordingly, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 21, 2020

J.Ram

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