

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-19830-2020

Date of decision: 11.09.2020

Kunal @ Golu

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Suresh Ahlawat, 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-Kunal @ Golu, stated to be aged 22 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.62 dated 09.02.2016 under Sections 307, 34, 120-B of IPC and Section 25 of Arms Act, 1959, registered at Police Station Rajendra Park, Gurugram.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. In fact, there are no allegations that any injury has been caused by the applicant nor there is any allegation of overt act allegedly done by him. He also submits that nothing was allegedly recovered from the petitioner. Learned counsel then submits that petitioner was already in custody since 28.11.2017 in FIR No.87 dated 04.07.2017. Learned counsel further submits that in pursuance to the production warrants, the petitioner was arrested on 26.02.2018 in the present FIR. Learned counsel, however, submits

that the petitioner has already been released on bail in FIR No.87 dated 04.07.2017, vide order dated 18.06.2020 passed in CRM-M No.40310 of 2019 titled as '*Kunal @ Golu Vs. State of Haryana*' (Annexure P-3).

Learned State counsel, on instructions from ASI Lavkesh, submits that the challan has been presented on 19.03.2018. Charges have been framed on 05.06.2018. There are total of 27 witnesses and only 14 witnesses have been examined. He then submits that 13 more witnesses are yet to be examined and the next date before the Trial Court is 02.11.2020.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is in custody since 26.02.2018 in the present case. He further 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

11.09.2020

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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No