

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

212

CRM-M No.19989 of 2020

Date of Decision: September 10th, 2020

Aamir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

Mr. Anant Kataria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.132 dated 17.02.2020 registered under Sections 392, 397, 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Sadar, Gurugram.

It is the contention of learned counsel for the petitioner that as per the FIR, the petitioner is not named therein. Assertion has also been made that the petitioner was arrested on 05.03.2020 and is in custody since then. Recovery of mobile has been effected from the petitioner, which is alleged to have been snatched from the complainant, apart from an amount of Rs.1500/- from the house. The reason why the bail application of the petitioner was declined primarily by the Court below is the pendency of another case i.e. FIR No.78 of 2019 registered under Section 379 IPC at Police Station Sector-29, Gurugram. Counsel contends, with reference to this FIR, that the same was against unidentified person and the petitioner has been roped in without any basis. He is in custody for more than 6 months, with the challan having been presented and the trial not likely to proceed in near future because of the prevailing pandemic. Prayer has thus been made for grant of regular bail.

Learned counsel for the respondent, on the other hand, contends

co-accused have looted the complainant but it is a case, where recovery has also been effected from him. It cannot thus be said that the petitioner has not been named in the FIR and, therefore, has no connection with the case. Assertion has also been made that he is involved in another FIR of similar nature and, therefore, does not deserve the concession of bail.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody for more than 6 months now, with the trial not likely to commence, what to say of conclude, in near future because of the prevailing circumstances, where the charge has also not been framed, the petitioner deserves the concession of bail. As regards the other FIR, which has been registered, reference whereof has been made, the same is against unknown person and, therefore, it cannot be said that the petitioner was involved in the same at this stage when nothing is available now.

In view of the above, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurugram.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 10th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No