

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-20024-2020 (O&M)

Date of Decision: August 10, 2020

Nahid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mazlish Khan, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 348 dated 28.09.2019, under Sections 34, 379-B Indian Penal Code and Section 25 of Arms Act (added later on Section 392 and 397 IPC) (Section 379-B IPC deleted later on), registered at Police Station Sector 56, District Gurugram.

Learned counsel for the petitioner at the very outset contends that the petitioner herein was taken into custody after the filing of the said

FIR and that Section 379-B IPC has been deleted while submitting that the petitioner has been falsely implicated in the present case. The defence set up by learned counsel for the petitioner is that the petitioner was arrested only on the ground that 02 mobile phones alleged to have been looted from the complainant were recovered from his possession, whereas infact he had bought the said phones from the other accused and on inserting SIM in the said phone, his location was traced. It is further argued that no other recovery has been effected from him like the Wagon car, which was found abandoned, apart from submitting that no other case is pending against the petitioner and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, does not dispute the fact that Section 379-B IPC has been deleted later on and that the challan stands presented in the matter.

I have heard learned counsel for the parties.

In view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody and that Section 379-B IPC has been deleted later on and the challan stands presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case,

the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

August 10, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No