

AT CHANDIGARH

CRM-M-21182-2020

Date of Decision:23.09.2020

Bhana alias Govind

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Mr.Deepak Bhardwaj, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.186, dated 03.08.2019, having been registered at Police Station Badhra, District Charkhi Dadri, alleging therein the commission of offences punishable under Sections 341, 379-B, 392 and 397 of the IPC and Section 25 of the Arms Act, 1959.

Pursuant to the order dated August 13, 2020, an affidavit of the DSP, Badhra, has been filed, stating therein that the petitioner stands convicted on 18.01.2020, for the commission of offences punishable under Sections 392, 506 and 34 of the IPC, with one other case also pending against him, alleging therein the commission of offences punishable under Sections 379, 411 and 34 of the IPC.

As regards the present case, it is stated that upon investigation the petitioner had made a confession, pursuant to which a motorcycle and Rs.2,000/- (in cash), were recovered, with Rs.50,000/- also recovered from his co-accused alongwith a country-made pistol.

Though it is not stated in the affidavit, it is not denied by learned State counsel, on instructions, that the complainant turned hostile.

That being so, and even as per the affidavit no effective proceedings having taken place on the last date of hearing before the trial court, due to the Covid-19 pandemic, and the petitioner having been in custody now for about 13 months, without making any comment whatsoever on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned.

September 23, 2020

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO