

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

213

CRM-M No.22152 of 2020

Date of Decision: September 7th, 2020

Nitin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ajay Singh, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, 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.605 dated 17.08.2018 registered under Sections 186, 307, 353, 332, 34 IPC and Section 25 of Arms Act at Police Station Sadar, Gurugram.

It is the contention of learned counsel for the petitioner that the petitioner has not been named in the FIR. It is on the basis of the disclosure statement of the co-accused, wherein it is asserted that the petitioner is the person, who had supplied arms, which were used in the commission of the offence. It is on the basis of the said statement of the co-accused that the name of the petitioner figured during investigation and it is on that basis that the petitioner was arrested on 17.08.2018. He submits that no recovery has been effected from the petitioner and the trial is not likely to conclude in near future. Therefore, the petitioner be granted the concession of bail.

Learned counsel for the State, on the other hand, asserts that out of 15 witnesses, 11 have already been examined, the next date of hearing is 23.10.2010, there are eight other cases registered against the petitioner and, therefore, the petitioner being habitual offender, may not be granted the concession of bail. The factum of there being no recovery effected from the

petitioner in the present case as also the custody period, which is more than two years, is not disputed.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is not named in the FIR nor has any recovery been effected from the petitioner, with he being in custody for more than two years, with the trial not likely to conclude in near future keeping in view the prevailing pandemic situation, the present petition is allowed.

Petitioner is ordered 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 7th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No