

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-37683-2020
Decided on : 18.12.2020

Rahul Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.336 dated 29.11.2019 registered under Sections 392, 302 IPC,1860 at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question after a gap of two months of the alleged crime and that too on the basis of confession allegedly made by him before the police with regard to his involvement in the crime in question. It has been further contended that it is a case of circumstantial evidence and the motive shown for committing the crime is of robbing a sum of Rs.1200/- from the deceased and which amount was alleged to have been recovered from the petitioner and the co-accused when they were apprehended during a routine nakabandi by the police. He further contends that the involvement of the petitioner in the alleged crime has also been shown on the basis of certain recoveries effected from him in the shape of photocopies of Adhaar Card of the wife of the deceased and the RC of

the truck, which was being driven by the deceased as well as an empty wallet of the deceased, which was got recovered in pursuance to the alleged disclosure statement of the petitioner. It has also been submitted that an unbelievable version has been brought forth that the recovery of the wallet of the deceased was effected from Hathnikund Barrage, which was 32 km away from the place of alleged occurrence and which was admittedly a very much frequented place. Hence, a prayer has been made to extend the concession of regular bail to the petitioner as he has been in custody since 08.02.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from SI Mehar Singh has submitted that the challan has been filed and the charges are likely to be framed on the next date of hearing.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 08.02.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.12.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No