

201-A**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-23889-2020
Date of decision-28.09.2020****Mahender****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Mahender has preferred this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.35 dated 24.02.2020 under Sections 147, 148, 186, 188, 307, 323, 332, 341, 353 and 379 Indian Penal Code, 1860 registered at Police Station Hassanpur, District Palwal. The petitioner is in custody since his arrest on 31.07.2020.

As per the prosecution case, on 24.02.2020, when ASI Mahender Singh alongwith his staff was present near Village Karoli, a tractor trolley was seen, which was filled with sand. On seeing the police party, the driver of the truck-Mahender (petitioner) turned his tractor to another street and started unloading the sand. Thereafter, he tried to run away but was apprehended by the Police officials. However, later on he managed to escape. After some time, Mahender returned back with his companions on two motorcycles and took away the tractor by manhandling

the Police officials. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that as per prosecution, the petitioner was allegedly carrying sand in a tractor who was initially arrested by Police, but later he managed to escape from their custody and returned back alongwith other assailants and took away tractor as well. Learned counsel has further submitted that the reading of the FIR would not suggest commission of the an offence punishable under Section 307 IPC and therefore, further custody of the petitioner may not be necessary as one of his co-accused, namely, Raman Kumar has been released on anticipatory bail vide order dated 22.06.2020 (Annexure P-2). He prays for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Aas Mohd. has opposed the prayer on the ground that the petitioner tried to run over the tractor upon the officials and therefore, Section 307 IPC was added. He further submits that the petitioner is involved in other two cases as well.

At this stage, Mr. Rajesh Lamba, learned counsel for the petitioner contends that in those cases, petitioner was indicted as an accused on the basis of the disclosure suffered by co-accused and is on bail. He submits that the petitioner is presently confined in judicial custody and therefore, is no more required for any investigation, which is nearly complete.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer of the petitioner, particularly when the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19. The petitioner after his arrest on 31.07.2020 is presently confined in judicial custody, therefore, his further detention behind the bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

28.09.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No