

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

226

CRM-M-24427-2020
Date of decision: 10.09.2020

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.147 dated 26.04.2019 registered under Sections 398 and 401 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Murthal, District Sonapat.

The above-said FIR was registered on complaint of ASI Sandeep who alleged that on 26.04.2019 when he along with other police officials was present at G.T. Road, Kumaspur secret information was received that petitioner and his co-accused Monu and Vipul were planning to rob the passersby. Raid was conducted and the petitioner and his co-accused were heard making plan to rob the passersby and were apprehended by the police party. The petitioner and co-accused Vipul were apprehended with loaded pistol of 315 bore each whereas

co-accused Monu was apprehended with two loaded pistols 9 mm and 315 bore.

The petitioner, who is in custody since 26.04.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel in terms of status report filed by way of affidavit of Hans Raj, HPS, Deputy Superintendent of Police, Detective, Sonipat.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. False and concocted story has been put-forth by the complainant with the only motive to implicate the petitioner and others. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Co-accused Vipul has already been granted regular bail by this Court vide order dated 06.08.2020. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that the in view of gravity of offences, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with co-accused Vipul and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on merits of the case, I am of the considered view

that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No