

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

CRM-M-28160 of 2020
Date of Decision: 14.10.2020

Kunal alias Kunu Petitioner
Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S.Dinarpur, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.06, dated 17.01.2020 registered under Sections 307, 379-B, 34 of IPC read with Section 25 of Arms Act, 1959 at P.S.GRP Sirsa, District Sirsa (Annexure P-1).

Learned counsel for the petitioner has argued that the petitioner has not been named in the FIR though the allegation against him as per the prosecution is that the petitioner was accompanying co-accused Nitesh @ Nanu who is alleged to have fired a shot at the injured Sahil. Counsel submits that Nitesh @ Nanu had some previous enmity with Sahil. He submits that the petitioner is involved in two other cases i.e. FIR No. 76 dated 21.01.2020 registered under Section 25 of the Arms Act, wherein he was granted bail by the learned Sessions Court on 25.06.2020 and in FIR No. 73 dated 21.01.2020 under Sections 285, 323, 365, 307, 201, 379-B, 34 IPC and Section 25 of the Arms Act and his petition for grant of regular bail

submits that the petitioner is behind bars since 30.01.2020, investigation is complete, challan has been filed but the trial is not progressing due to the breakout of Covid-19 pandemic.

Opposing his petition, learned State counsel upon instructions from SI Jaibir Singh, submits that the petitioner was named by the injured, Sahil, as well as by the co-accused in his disclosure statement. He has instructions to submit that the petitioner is alleged to have snatched the mobile phone from Sahil, recovery of which was effected from the petitioner. Learned State counsel, however, could not deny the fact that the fire arm injury was not caused by the petitioner, though he argues that the bullet which hit the injured, could not be removed because of the danger to the life of Sahil. He has filed custody certificate dated 13.10.2020, which is taken on record.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstance, period of incarceration of the petitioner and the nature of allegation against the petitioner and the fact that the conclusion of the trial is likely to take time due to spread of contagion, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

(SUVIR SEHGAL)
JUDGE

14.10.2020
Maninder

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