

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212- CRM-M-28718-2020

Date of Decision: 06.11.2020

Shekhar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Abhimanyu Singh, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Shekhar aged 29 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.505 dated 02.12.2019 under Section 393/397/120-B/398 IPC and Section 25-54-59 of the Arms Act, 1959 registered at PS Kherki Daula, District Gurugram.

Learned counsel for the petitioner submits that a perusal of the FIR would show that there is no specific allegation against the petitioner. It is further submitted that he has allegedly been attributed the role to be holding the complainant from behind and another co-accused person had fired.

Learned counsel submits that the petitioner was arrested on 02.12.2019 and has thus completed almost one year of custody. He submits that the petitioner is a young man of 29 years.

Learned State counsel on instructions from ASI Sandeep submits that the investigation is complete; challan was presented on 31.12.2020 and there are total of 12 witnesses and none have been examined till date. He

opposed the granting of bail and submits that in case bail is granted to the petitioner, it is very likely that he will again indulge in the same crime.

Learned counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

It is also made clear that in case, the petitioner is subsequently found involved in any other case after today, the prosecution is at liberty to move an application for cancellation of bail.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

06.11.2020

vishal shonkar

(Girish Agnihotri)

Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No