

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

230

**CRM-M-29835-2020
Date of decision: 01.10.2020**

Nazim

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Namit Khurana, 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 short 'the Cr.P.C.') for grant of regular bail in case FIR No.154 dated 13.11.2019 registered under Section 379-A of the Indian Penal Code, 1860 (for short 'the IPC') and Section 25 of the Arms Act, 1959 at Police Station Pratap Nagar, District Yamuna Nagar to which Section 473 of the IPC was added lateron.

The above said FIR was registered on complaint of Ram Bhaj who alleged that on 25.09.2019 at about 08:00 P.M. When he was going to his house on his scooty and reached little ahead of Kalesar all of a sudden two boys came from behind on a bike and pushed him from the side due to which he fell down into the ditch on the side of the road and they pounced upon him. Thereafter, 2-4 more boys came there who

were having weapons such as knives and country made pistol. They snatched his purse, scooty and bag containing 6 silver rings and some other things.

The petitioner, who is in custody since 03.12.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no separate reply has been filed by learned State Counsel.

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

Learned Counsel for the petitioner has submitted that the FIR was registered on statement of Ram Bhaj with unexplained delay of 1 ½ months regarding snatching of his Scooty and valuables by some unknown persons. The petitioner has been falsely implicated in the case on the basis of disclosure statement of the co-accused. No test identification parade was got conducted. Alleged recovery was planted on him. The petitioner has also been falsely implicated in some other cases of similar nature in which he has been granted bail. Similarly placed co-accused Mohd. Ahmad has already been granted regular bail by this Court vide order dated 15.09.2020. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner, along with his co-accused, committed heinous offences of threatening the complainant and snatching his scooty and valuables.

In view of the gravity of offences committed, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with co-accused Mohd. Ahmad who has been granted regular bail by this Court vide order dated 15.09.2020 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 the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

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

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

01.10.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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