

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

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**CRM-M No.31091 of 2020
Date of decision:08.10.2020**

Anesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Yashveer Kharb, 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.239, dated 31.07.2020, registered under Sections 147, 148, 149, 323, 325, 341, 342 and 427 IPC (Sections 186, 353 and 364 of IPC were added later on) at Police Station Badshahpur, District Gurugram.

Counsel for the petitioner argues that the petitioner has been falsely implicated in the FIR, Annexure P-1. According to the counsel, the petitioner was arrested on the basis of the disclosure statements of Pardeep and Mahesh, which statements are inadmissible in evidence. By relying upon the reply dated 23.09.2020 filed by the State before the learned Additional Sessions Judge, Annexure P-2, he contends that the

complainant did not co-operate in the Test Identification Parade (TIP) and the petitioner has not been identified. He urges that neither the registration number of vehicle used in the alleged crime has been mentioned in the FIR nor the non-bailable offences under Sections 353 and 364 IPC, which were added later on, were made out. Counsel for the petitioner submits that the petitioner was arrested on 03.08.2020 and deserves to be enlarged on bail as the trial is not progressing due to the outbreak of corona virus.

Opposing the petition, State counsel, upon instructions from ASI Sanjay Kumar submits that co-accused, Pardeep was arrested from the spot and he named the petitioner in his disclosure statement. Besides, Pardeep, five other arrests were made and all the person detained, named the petitioner in their respective statements and alleged that the petitioner was present at the place of occurrence and had attacked the complainant. State counsel has instructions to submit that a bamboo stick has been recovered from the petitioner and seven injuries were inflicted on the complainant out of which one has resulted in a fracture. Still further, he has been instructed to submit that the petitioner was duly identified in the TIP, though the State counsel could not support this fact from the reply, Annexure P-2. According to him, investigation is complete, challan was filed in the court on 04.09.2020 and there are 34 prosecution witnesses.

I have considered the rival submissions of the parties.

Considering the nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude because of the

pandemic, no 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.

08.10.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No