

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

Criminal Misc.-M-31396 of 2020

Date of Decision: October 12, 2020

Jackey

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satish Chaudhary, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.41 dated 05.02.2019, under Sections 147, 149, 323, 341, 379-B, 427, 506 IPC, 1860 and Section 25 Indian Arms Act, 1959, registered at Police Station, Sadar Dadri, District Charkhi Dadri. The petitioner is in custody since his arrest on 09.04.2019.

The above FIR was registered on the application submitted by complainant-Parveen Gulia, wherein it was stated that on 05.02.2019, he went to Rohtak for some work in his Scorpio bearing registration No.HR14-Q-6319 and after finishing the work, he was coming to his house and at about 4.00 p.m., when he reached near Naram Dass Mandir, one I10 Grand Car was put in front of his vehicle and one ITOIS car on back side of his vehicle. Then he stopped his car and 10-12 boys alighted from the abovesaid two vehicles. Out of them, one Jacky alias Leela was having a

revolver in his hand and rest were having sticks and dandas. Jacky inflicted a blow butt of revolver on his head and others have broken the windowpanes of his vehicle by throwing stones and dandas. They also inflicted danda blows on his hands, foot and waist and snatched the golden chain, which he was wearing in his neck and also took away his wallet containing Rs.15000-20000 and some important documents, i.e., DL and ATM. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner was arrested on 09.04.2019 and after completion of investigation, the final report was filed on 09.07.2019. However, the trial is not making any headway as the charges have not been framed so far. According to him, further custody of the petitioner may not be necessary and, therefore, he prays for grant of bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Joginder Singh, has opposed the prayer on the ground that the petitioner is involved in other cases as well. However, it is not disputed by him that the charges are yet to be framed.

At this stage, learned counsel for the petitioner has submitted that complainant-Parveen Gulia is also involved in number of cases and the detail is given in Para 2 of the petition. He submits that the further custody of the petitioner would not serve any purpose and prays for bail.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed on 09.07.2019, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in

judicial custody since 09.04.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Charkhi Dadri.

October 12, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No