

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

CRM-M-33847 of 2020(O&M)

Date of Decision:16.11.2020.

Unis @ Inshu

Petitioner

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Bhisham Kumar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.AG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This is the petitioner's third petition, seeking the concession of bail pending trial in FIR No.13 dated 14.01.2017, under Sections 25, 54, 59 of the Arms Act, Sections 13(1) 13 (2) of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, Section 3 of the Prevention of Damage to Public Property Act and Sections 186, 279, 336, 307 IPC, registered at Police Station Nangal Chaudhary, District Mahendergarh.

It is submitted that the petitioner is sought to be implicated only on the basis of a disclosure statement of the co-accused namely Anjum. There is no evidence on record to implicate the petitioner in this case. Moreover, no overt act has been attributed to the petitioner. Learned counsel for the petitioner submits that bail pending trial was afforded to the petitioner on 15.03.2020 by the learned Additional Sessions Judge, Narnaul. Due to a communication gap with his Advocate, he could not appear before the learned trial Court and he was declared

a proclaimed offender on 02.11.2018. The petitioner, it is submitted was arrested on 14.01.2020 in FIR No. 266 dated 28.11.2012. However, the petitioner was granted bail in the said case on 01.04.2020 (Annexure P-5). The petitioner was produced in the present case on 06.03.2020 and is in custody since then. Charge in this case has been framed, but no evidence is being led due to the outbreak of the pandemic COVID-19. It is submitted that the petitioner undertakes to appear on each and every date fixed before the learned trial Court and face trial. It is thus prayed that the present petition be allowed.

Learned counsel for the respondent-State opposes this petition while submitting that the petitioner was declared a proclaimed offender and he may again not be available for trial. However, it is not denied that the petitioner in the present case, is sought to be implicated on the basis of the disclosure statement of a co-accused namely Anjum, who was arrested on the spot. Learned counsel for the respondent-State, is unable to point out any other palpable evidence qua the petitioner, at this stage.

There are no allegations on behalf of the State that the petitioner is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. There are 14 prosecution witnesses to be examined in this case. Trial in this case is not likely to conclude in the near future especially due to outbreak of the pandemic COVID-19. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Unis @ Inshu, is allowed. Petitioner be released on bail pending trial

subject to his furnishing bail bonds as well as heavy and local surety to the satisfaction of the learned Trial Court. It is made clear that in case, the petitioner is found involved in any other criminal offence subsequently, State is at liberty to move appropriate application for cancellation of bail in this case.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

16.11.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.