

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34057 of 2020

Date of Decision: 26.11.2020

Rajinder Dhiman alias Nonu

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.179 dated 12.03.2020 under Section 379-B IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

Learned counsel for the petitioner has argued that the alleged occurrence has taken place on 10.03.2020 whereas the FIR in question was registered on 12.03.2020 and the petitioner is in custody since 14.08.2020. No recovery has been effected from the petitioner. It is only in the disclosure statement of the petitioner in FIR No.554 dated 04.06.2020 under Section 379-A IPC, City Jagadhri, District Yamuna Nagar, the

present case has been registered against the petitioner. The allegations that the other co-accused Ram Jani has given iron road blow and the petitioner and other co-accused Vikas @ Kala snatched Rs.9,000/- and ATM card from the complainant, are false, as there is no MLR conducted on the person of the complainant.

Learned State counsel does not dispute the custody of the petitioner and the fact that MLR of the complainant was not conducted in the case.

I have heard learned counsel for the parties.

The alleged occurrence has taken place on 10.03.2020 whereas the FIR in question was registered on 12.03.2020 and the petitioner is in custody since 14.08.2020. Considering the fact that no recovery has been effected from the petitioner in the present case and culpability of the petitioner would be established only during trial, however, due to Covid-19 pandemic, the trial is not likely to be concluded in near future, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, considering the fact that the petitioner is facing another similar FIR i.e. FIR No.554 dated 04.06.2020 under Section 379-A IPC, City Jagadhri, District Yamuna Nagar, it is directed that the petitioner shall report at Police Station Yamuna Nagar City on 7th day of every quarter (i.e. three months) beginning from 07.01.2020 for a period of one

year or till the conclusion of trial in the present case, whichever is earlier,
so that the petitioner remains under strict check of the police.

November 26, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No