

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37875-2020

Date of Decision: 27.11.2020

Nitesh Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present : Mr. Akshay Kumar Dahiya, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the second petition under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner during pendency of trial in case FIR No.147 dated 30.05.2020, registered under Sections 186, 332, 353, 333, 307, 114, 188, 269, 270/34 of Indian Penal Code, at Police Station Sadar Bahadurgarh, District Jhajjar.

3. Learned counsel contends that earlier CRM-M-27699-2020, was dismissed as withdrawn on 30.09.2020 with liberty to the petitioner to move fresh petition at appropriate stage and that the instant petition has been filed in view of the petitioner's father suffering from respiratory problems and having difficulty in breathing as is evident from medical prescription Annexure P/6 dated 20.10.2020 as also in view of the fact that the petitioner's wife is pregnant and is likely to deliver a baby within next few days and there is no male member in the family to take care of the petitioner's father as well as his wife. Learned counsel further contends that

the petitioner is a young man aged 21 years and has been behind bars since

24.06.2020, investigation is complete, challan has been filed but charges are yet to be framed and since there are 19 prosecution witnesses, trial would take considerable time to conclude and that in the circumstances no useful purpose would be served by keeping the petitioner behind bars especially due to circumstances prevailing on account of Corona Virus Pandemic as also in view of the petitioner not having any previous criminal record.

4. Learned State counsel confirms that investigation is complete, petitioner does not have previous criminal record, challan has been filed but charges have not been framed and that next date of the case before the learned trial Court is 07.12.2020.

5. I have considered the submissions of learned counsel for the parties. The petitioner is a young man aged 21 years and has been behind bars since 24.06.2020, investigation is complete, challan has been filed but charges are yet to be framed and since there are 19 prosecution witnesses, trial would take considerable time to conclude. The petitioner also does not have any previous criminal record. In the circumstances no useful purpose would be served by keeping the petitioner behind bars especially due to circumstances prevailing on account of Corona Virus Pandemic. Accordingly, without commenting upon the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on bail during the pendency of trial on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C. However, nothing

merits of the case.

(B.S. Walia)
Judge

27.11.2020
'Rajesh-ps'

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