

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

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**CRM-M-36050-2020
Date of decision : 17.12.2020**

NEERAJ

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Karan Garg, Asstt. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.862 dated 02.11.2019 registered under Section 379-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Model Town, District Panipat.

Briefly stated the above said FIR was registered on written complaint submitted by Hawa Singh. In the written complaint Hawa Singh alleged that on 31.10.2019 at about 06.30 AM three unknown persons stopped truck bearing No. WB-23D-7514 and on gunpoint snatched amount of Rs. 9800/- and mobile phone from driver Santosh Singh and Rs. 60/- from him. They also looted driver of truck bearing registration No. UP-13-AT-8939. During investigation the police arrested accused Neeraj on 04.11.2019 and in accordance with his disclosure statement recovered mobile phone robbed from driver

Santosh Singh.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

Learned State Counsel has appeared and opposed the petition. However, no reply has been filed on behalf of the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated. FIR was registered against three unknown persons. No test identification parade was got conducted and the petitioner was not identified to be the person involved in the crime at any stage. Recovery of the mobile phone was planted on him. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the allegations against the petitioner are serious and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend

the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that after his release on bail, he shall not commit any similar offence and in case of commission of similar offence by him after his release, his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

17.12.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No