

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

106

**CRM-M-37479-2020
Date of decision: 11.12.2020**

Anil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tushar Gautum, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. 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 short, "the Cr.P.C.") for grant of regular bail in case FIR No.325 dated 26.08.2020 registered under Sections 307 and 34 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 25 of the Arms Act, 1959 at Police Station Hodal, District Palwal to which Sections 195 and 120-B of the IPC were added and from which Section 34 of the IPC was deleted lateron.

The above said FIR was registered on statement of complainant Lalit Kumar. In his statement Lalit Kumar alleged that on 17.08.2020 when he along with his friend Satish and his mother was going to the bank on motorcycle, accused Surneder, Mahesh, Mohit and Kailash along with their two companions, who were standing with their

motorcycles near T-point of Khera Mandir and Chint Mandir, stopped their motorcycle and attacked them. Mahesh fired a gun shot from his gun on Satish which hit on left leg of complainant Lalit Kumar. During investigation the police found that complainant Lalit Kumar along with Anil (the petitioner), Satish and others had fabricated the injury to falsely implicate the persons named in the FIR and their two companions and the version given in FIR was false. The petitioner was arrested on 17.10.2020 and has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Balbir Singh, HPS, Deputy Superintendent of Police, Hodal, District Palwal in the registry which is taken on record.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner has not committed any offence. The petitioner is alleged to have made disclosure statement in case FIR No.378 dated 25.09.2020. The said disclosure statement made to police officer while he was in police custody being inadmissible in evidence is not of any evidentiary value. There is no other cogent evidence as to his involvement in the alleged crime. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

11.12.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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