

CRM-M-38880 of 2020

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

CRM-M-38880 of 2020

Date of decision:01.12.2020

Amit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Akash Vashisth, Advocate and
Mr. Digvijay Singh Yadav, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.0135 dated 19.05.2020 registered under Sections 186, 325, 332, 353, 506 and 34 of Indian Penal Code, 1860 (later on Sections 325 and 34 IPC were deleted and Section 333 IPC was added by the police) at Police Station Kasola, District Rewari.

Counsel for the petitioner urges that the FIR was registered against the petitioner and two co-accused, namely, Ajit and Naveen, both of whom were found to be innocent during investigation. It is his argument that the complainant is not a public servant but rather a Chowkidar working on the contract basis. He, therefore, submits that the provisions of Sections 186, 332, 333 and 353 IPC are not attracted. He submits that the petitioner is in incarceration for the last more than 02 months and the trial is not

progressing due to outbreak of the pandemic.

Per contra, State counsel has opposed the petition on the ground that the petitioner ran the tempo over the right leg of the complainant and the recovery of the vehicle has been effected from the petitioner. Upon instructions from SI Ramniwas, he submits that the petitioner was involved in another FIR registered under Sections 379-B/427 IPC, though he has been acquitted. As per his instructions, the challan has been presented before the trial Court on 19.11.2020 and the petitioner is in incarceration since 30.09.2020.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, nature of allegations, the gravity of offence and the fact that trial is likely to consume time due to spread of contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

December 01, 2020
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes
Yes/No