

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

(through video conferencing)

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CRM No.M-40664 of 2020

Date of decision: 10.12.2020

Balwinder @ Raja

Petitioner

Vs.

State of Haryana

Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Anupam Bhanot, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The present petition has been filed under Section 439 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No.174 , dated 04.11.2019, under Sections 379 (A) of IPC 1860 (Challan presented under Sections 379(B) and 34 of IPC and Section 379 (A) of IPC stands deleted), registered at Police Station Chhachhrauli, District Yamunanagar.

Learned counsel contends that the petitioner who has been in custody since 27.09.2020 has been implicated in the FIR in question on the basis of a concocted version. It has been further submitted that only a recovery of mobile phone has been shown to have been effected from him. Hence, he may be extended to concession of bail, as the trial is unlikely to conclude in the near future, as only challan has been presented till now.

Per contra, learned State counsel, on instructions from ASI

Balwinder Singh while opposing the prayer and submissions of the learned

counsel for the petitioner has not been able to controvert the factual submissions so made by learned counsel for the petitioner. Learned State counsel has submitted that charges are likely to be framed on the next date of hearing before the trial Court.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 27.09.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 10, 2020

Poonam Sharma

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No