

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

CRM-M-42428-2020 (O&M)

Date of Decision : December 22, 2020

Avinash Partap Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.59 dated 06.02.2020 under Sections 395, 397 IPC and 25 of the Arms Act, registered at Police Station DLF, Sector 29, Gurugram, District Gurugram.

Counsel for the petitioner submits that the co-accused of the petitioner namely Shahrukh has already been granted the concession of regular bail vide order dated 17.09.2020 passed in CRM-M No.17063 of 2020 and the other co-accused of the petitioner namely Shyam Bali has also been granted the concession of regular bail vide order dated 17.11.2020 passed in CRM-M No.31808 of 2020. It is further submitted that as per the allegations in the FIR, 03 persons had hired an auto-rickshaw of the complainant and Rs.50/- were fixed as fare but inspite of giving fare, one of the accused put a countrymade pistol on his neck and snatched the auto-rickshaw of the complainant. It is further submitted that the petitioner is the first offender; challan stands presented and

he is not involved in any other case and he is in custody since 31.05.2020.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and also in view of the fact that the petitioner is the first offender; challan stands presented; he is in custody since 31.05.2020; the petitioner is not involved in any other case and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

December 22, 2020
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO