

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

**CRM-M No.40044 of 2019 (O&M)
Date of Decision.14.10.2020
(Heard through VC)**

Simranjit Singh @ Simmy

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

-:-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular to the petitioner in FIR No.423 dated 24.11.2018 under Sections 396, 302, 307, 120-B IPC and Section 25 of Arms Act, 1959 registered at Police Station Ambala City, District Ambala, who is in custody since 28.11.2018.

Mr. Ghai, learned Senior Counsel assisted by Mr. Keshav Pratap Singh, Advocate appearing for the petitioner herein would contend that reading of the FIR would reflect that name of the petitioner herein is not reflected in the FIR. A further reading of the FIR would also reflect that there is some enmity between the parties, meaning thereby, enmity between the author of the FIR and the person, who had fired shot, which caused injury to the complainant and death of one Sunil. It is further contended that the petitioner has been nominated in the FIR on the basis of disclosure statement of the main accused namely Sandeep, who is in custody and on the basis of one phone call that took place between the petitioner and

Sandeep, prior in time to the said occurrence, which would not be enough to substantiate his active role in the commission of offence. It is also argued that the entire occurrence stands captured in the CCTV footage in which the petitioner is not shown to be present. The petitioner is in custody since 28.11.2018 and on account of COVID-19, the trial is not proceeding, therefore, seeks concession of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that there is nexus between the main accused Sandeep and the petitioner herein, which would be evident from one phone call that took place between them.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that the petitioner is in custody since 28.11.2018 and name of the petitioner was not reflected in the FIR coupled with the fact that the trial is likely to take some time to conclude as owing to *novel corona virus* pandemic, Courts are working at their full strength and ordinary hearing matters are not being taken up, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

October 14, 2020

Pankaj*

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