

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54852-2019 (O&M)

Date of Decision: 29.05.2020

Tek Chand

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Baljeet Beniwal, Advocate for the petitioner

Mr. Baljinder Virk, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

Notice of motion.

On the asking, Mr. Baljinder Virk, DAG Haryana accepts notice through video conferencing.

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Tek Chand has filed the present petition for grant of regular bail to him. The petitioner is allegedly involved in case FIR No.557 dated 29.09.2015 under Sections 148/149/323/325/307/506 IPC and Sections 25/27 of the Arms Act registered at PS Central Faridabad, District Faridabad.

On 09.01.2020, this Court passed the following order:-

“The petitioner seeks regular bail in case FIR No.557 dated 29.09.2015, registered at Police Station Central Faridabad, District Faridabad, under Sections 148, 149, 323, 325, 307 and 506 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner was regularly appearing before the trial Court, but somehow he could not appear on 10.10.2017

and, therefore, his bail had been cancelled and warrant of arrest had been issued against him. The petitioner had been arrested in some other case and thereafter, he was taken in custody in the present case also.

Notice of motion for 29.01.2020.”

Learned counsel based upon the pleadings with specific reference to para 5 of his petition submits that the petitioner was appearing on every date of hearing before the trial court after he was granted regular bail on 31.08.2016. It is further submitted that he could not appear on 10.10.2017 as the petitioner was arrested in another case. This fact he could not bring to the notice of his counsel and therefore the learned trial court, in those circumstances, had cancelled his bail on 10.10.2017. It is further a matter of fact that on 18.12.2017 the petitioner has been arrested. Counsel also submits that the trial is likely to take some time and moreover, due to the present COVID situation, the detention/continuation of the petitioner in jail is dangerous to his health.

In view of the above and for the reasons mentioned in the petition, this Court deems it appropriate to release the petitioner, in the present case, on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

29.05.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No