

**CRM No.14600 of 2021 in/and
CRM-M-1721 of 2021**

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

**CRM No.14600 of 2021 in/and
CRM-M-1721 of 2021
Date of decision:27.05.2021**

Sani Dev

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Meenu Sharma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

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

CRM No.14600 of 2021

For the reasons given in the application, it is allowed. Hearing of the main petition is advanced to today and is ordered to be taken on Board for hearing today itself.

CRM-M-1721 of 2021

The petitioner is seeking regular bail in case FIR No.305 dated 07.09.2020 registered under Section 392 of Indian Penal Code, 1860, however, Sections 120-B and 397 of IPC, have been added later on, at Police Station Chandimandir, District Panchkula.

As per the prosecution, FIR was registered on the complaint of Ram Pal, on the allegation that four persons on knife point snatched a silver chain, mobile phone and some cash from the complainant and his friend.

Counsel for the petitioner contends that FIR has been registered against the unknown persons and the petitioner has been involved on the basis of his disclosure statement which has been recorded in police custody and is inadmissible in evidence. She submits that except for another FIR with similar allegations, in which the petition for grant of bail is listed before this Court today, the petitioner has clean antecedents. According to her, investigation is complete, challan has been presented and the statement of the complainant has been recorded. She submits that due to resurgence of the contagion, the trial is not progressing, the petitioner, who is in custody since 08.09.2020 and is no longer required for custodial interrogation, deserves to be enlarged on bail.

Opposing the petition, State counsel upon instructions from ASI Harender Singh, submits that recovery of mobile phone and cash of Rs.900/- has been effected from the petitioner. He has referred to the status report filed by way of affidavit of the Assistant Commissioner of Police, Panchkula to submit that the investigating agency has collected sufficient incriminating material against the petitioner to establish his complicity in the crime. As per his instructions, challan has been presented on 03.11.2020, charge under Sections 397 and 120-B of IPC has been framed on 10.02.2021 and 03 out of 11 prosecution witnesses have been examined.

Upon further instructions, he submits that the complainant and his friend have identified the petitioner.

I have considered the rival submissions of the counsel for the parties.

The material collected by the prosecution during investigation will remain debatable.

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

(SUVIR SEHGAL)
JUDGE

May 27, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No