

**CRM No.14625 of 2021 in/and
CRM-M-1749 of 2021**

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

**CRM No.14625 of 2021 in/and
CRM-M-1749 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.14625 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-1749 of 2021

The petitioner is seeking regular bail in case FIR No.304 dated 07.09.2020 registered under Section 379-A of Indian Penal Code, 1860, however, Sections 120-B and 411 of IPC, have been added later on, at Police Station Chandimandir, District Panchkula.

As per the version of the prosecution, FIR was registered on the complaint of Tulsi Ram on the allegation that four persons waylaid him and snatched his motorcycle.

Counsel for the petitioner contends that FIR has been registered against the unknown persons and the petitioner has been roped in on the basis of his disclosure statement which has been recorded in police custody and is inadmissible in evidence. She submits that the petitioner is involved in another criminal case with the similar allegation in which he has been granted bail by an order passed today. As per the counsel, investigation qua petitioner is complete, challan has been presented, the trial is not progressing any further due to resurgence of the contagion and the petitioner, who is in custody since 08.09.2020, deserves to be enlarged on bail.

Opposing the petition, State counsel upon instructions from ASI Harender Singh submits that recovery of motorcycle has been effected from the petitioner. As per his instructions, challan has been presented on 05.11.2020, charge under Sections 379-A and 411 of IPC has been framed on 10.02.2021 and 01 out of 08 prosecution witnesses has been examined.

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