

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

(Through Video Conferencing)

CRM-M-6519-2021

Date of Decision: 17.02.2021

ANIL

.....*Petitioner*

V/s.

STATE OF HARYANA

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Amit Arora, Advocate,
 for the petitioner.

 Mr. Rajiv Goel, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.417 dated 30.05.2019 registered under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 at Police Station Bhiwani Sadar, District Bhiwani as the earlier petition was withdrawn on 21.01.2021 with a liberty to file a fresh petition with better particulars as inadvertently certain errors had crept up in the body of that petition.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for the offences which are triable by the Magistrate. He further submits that the delay of four years in registration of the FIR clearly leaves no manner of doubt that he has been implicated in the case in hand on account of ulterior motive. It has been submitted that the petitioner has been in custody since 10.12.2019 and only challan has been presented and there is no likelihood of the trial concluding

any time in the near future. Hence, the petitioner may be extended the concession of regular bail.

Heard

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Jhulphkar Ali, has submitted that the delay in framing of the charges on account of the outbreak of COVID-19 pandemic. He has further submitted that the petitioner is also involved in three other cases similar to the case in hand out of which he has been acquitted in 2 cases.

Heard

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 10.12.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 17, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>