

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

226

**CRM-M-7507-2021
Date of decision: 22.02.2021**

AJAY BHATI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manoj Kumar Sood, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 408 dated 18.08.2020 registered under Sections 147, 149, 323, 354, 354-B, 379-B and 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sector -7, Faridabad.

The above said FIR was registered on statement of Neha Sexana. In her statement Neha Sexana alleged that she purchased Swift car bearing registration No. HA-29-AM-5104 from Ajay Bhati (the petitioner) in February 2018. The EMI of the car is being paid through her Bank Account. When she called him to get the car transferred and they went to HDFC Bank, Neelam Chowk Branch, it was found that EMIs have not been deposited for ten months whereas they had deposited EMI upto date. The petitioner chased them. When they

reached at her mother's house then he stopped his car Scorpio No. HR-29-AR-8800 behind her car, about 15-20 boys were present in the Scorpio car. The petitioner threatened to snatch her car, tried to trespass into her house, molested her and asked the boys accompanying him to show the illegal pistol and snatched her gold chain.

The petitioner, who is in custody since 03.02.2021, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The complainant purchased car from him and did not pay the instalments. The petitioner did not commit any offence. The matter has also been compromised with the complainant who has submitted affidavit dated 30.09.2020. As per the affidavit of the complainant, gold chain alleged to have been snatched from the complainant was recovered by the complainant herself from the spot. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner has committed heinous offences. In view of the nature of accusation and gravity of offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the above referred facts and circumstances of the case, nature of accusation and evidence against the petitioner, affidavit of the complainant and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.02.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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