

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

CRM-M No. 16220 of 2021 (O&M)

Date of decision: 20.08.2021

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vikas Gulia, Advocate, for the petitioner.
Mr. Sanjay Mittal, Additional Advocate General, Haryana.
(Presence marked through video conferencing).

Arun Monga, J. (Oral)

This is second foray of the petitioner before this court, seeking regular bail in FIR No.559 dated 15.10.2017, registered under Sections 395, 397, 412, 120-B, 379B IPC and Section 25 of the Arms Act, 1959 at Police Station, Ganaur, District Sonapat, having got the first petition dismissed as withdrawn on 27.10.2020.

2. Per prosecution, an FIR registered on the information of complainant Sidharth, complaining when he along with his salesman Ravi and driver Pankaj were going to meet his aunt at Dehradun and enroute three young boys traveling their swift car, carrying weapons in their hands, accosted them and entered in his parked Fortuner SUV. The said unknown persons tied their hands and forced them to sit on the floor of the vehicle. They snatched gold chain, an iPhone and cash from the complainant party. Then they dropped them at Railway line Samalkha

(Panipat). Later on, after preliminary investigation the accused were arrested. Challan has now already been presented.

3. Learned counsel for the petitioner contends that the petitioner is not named in the FIR. His co-accused, namely, Sandeep, Ajay @ Lovely and Om Parkash have already been granted bail by the learned trial Court. Co-accused Sanjay @ Andy has also been granted bail by this Court vide order dated 15.10.2019 passed in CRM-M No. 34539 of 2019. He has also placed on record statements of witnesses, namely, Sidharth Jain (complainant), Ravi Verma and Naresh Kumar as Annexure P-5 to P-7. They have not supported the case of the prosecution. He is in custody since 08.09.2018.

4. Per contra, learned State counsel opposes the bail plea. He argues that antecedents of the petitioner are also not clean as there are other FIRs also registered against him.

5. I have heard rival contentions of the respective learned counsels.

6. On a Court query, learned state counsel does not controvert that neither the independent witnesses nor the so-called eye-witnesses have supported the prosecution version. Recording of the statement of the rest of the witnesses will still take some time. The pending trial is not likely to conclude anytime soon as the Courts are currently functioning under certain restrictions caused by Covid-19 pandemic and till outcome thereof, to keep the petitioner in custody merely on the ground of apprehension of absconding, seems to be improper and unfair at this stage.

7. Considering the overall scenario, coupled with prolonged detention of almost two years already undergone, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

8. Accordingly, petitioner is directed to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

20.08.2021

VS

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No