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

**CRM-M No.17528 of 2021(O&M)
Date of Decision: 15.07.2021**

Lovepreet @ Happy

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sant Lal Barwala, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.649 dated 13.10.2020 registered under Section 395 IPC and Sections 25, 54, 59 of the Arms Act at Police Station City Hansi.

FIR was registered at the instance of complainant Anil Kumar with the allegations that on 12.10.2020 at about 8:00 PM, he was going to village Sisar on his motorcycle. When he

reached near Aman Hospital bypass Sanipura, 8-9 persons on three motorcycles followed him. When the complainant reached on the bridge, then he was stopped by those persons on gun point. One of the boys was wearing red t-shirt. They snatched pan card, driving licence, aadhar card, voter card, ATM of Canara Bank from the bag of the complainant and also brought out Rs.4600/- from trouser pocket of the complainant. They also took away mobile one plus 5 black colour along with sim. They also took away bike plug, helmet and jacket of the complainant. With these allegations, FIR was registered on 13.10.2020.

During investigation, it was found that the petitioner was in custody in FIR No.201 dated 13.10.2020 under Sections 399, 402, 379-B IPC and under Arms Act at Police Station Nathana, District Bathinda. Petitioner was taken on production warrants and was joined in the investigation on 07.12.2020. On the basis of his disclosure statement, a helmet has been recovered from him. Petitioner is in custody since 11.11.2020. Bail has been declined to the petitioner on the premise that he was involved in two other cases. Petitioner is in custody in FIR No.383 dated 14.10.2020 under Section 394 IPC at Police Station Sadar, Fatehabad.

Learned counsel for the petitioner submits that the present bail is not dependent upon the custody of the petitioner

in FIR No.383 dated 14.10.2020. Petitioner would seek his remedy even after decision of the present case. So long as the petitioner is in custody in some other case, he may not come out of the custody, but this case be decided on its own merits.

Learned State counsel on instructions from Investigating Officer, however, opposed the bail on the ground that the petitioner is having antecedent behaviour of criminal activity in view of his involvement in total four cases.

Learned counsel for the petitioner submits that all the aforesaid four cases have been registered in a span of only two days. The present FIR was registered on 13.10.2020, FIR No.201 was registered on 13.10.2020, FIR No.193 was registered on 13.10.2020 and FIR No.383 was registered on 14.10.2020.

Looking to the aforesaid facts and circumstances of the case, keeping in view the custody of the petitioner and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without advertng to the merits of the case,.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

15.07. 2021
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(RAJ MOHAN SINGH)
JUDGE

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