

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

CRM-M-20875-2021

Date of Decision: 27.05.2021

MAHIPAL @ CHOTTU

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

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

Present: Mr. Parveen Kaushik, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.411 dated 05.10.2017 lodged under Section 307, 120-B of the Indian Penal Code, 1860 and Section 25 and 54 of the Arms Act, 1959 registered at Police Station Beri, District Jhajjar, Haryana.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand which is evident from the fact that neither was he named nor attributed any role in the FIR in question. He further submits that a role was assigned to him in the alleged crime on the basis of a disclosure statement allegedly made by the petitioner in another case FIR which stood registered against him. He further submits that the petitioner has been in custody since 02.02.2017 and there is no likelihood of the trial concluding in the near future as the prosecution evidence has not yet concluded.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from

ASI Dharminder Singh, has not been able to controvert the factual aspect of the submissions made with respect to the role allegedly played by the petitioner in the crime in question. She has submitted that the petitioner is involved in another criminal case, however, he is on bail in that case. She also submits that the delay in the conclusion of the trial has been on account of outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 02.02.2017, 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.

May 27, 2021
Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

Whether speaking / reasoned : *Yes / No*
Whether Reportable : *Yes / No*