

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

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**CRM-M-20882-2021
Date of decision: 02.07.2021**

Vikas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., 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.35 dated 07.02.2021 registered under Sections 392 and 397 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Nangal Choudhary, District Mahendergarh.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Narender Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh in the Registry of this Court which is taken on record.

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 was not named in the FIR. No test identification parade was conducted. The petitioner has been falsely implicated on the basis of disclosure statement of the co-accused. Recovery of pistol was made from co-accused Bhupender. Recovery of car bearing registration No.HR-66B-0539 was made from the petitioner which is alleged to have been used in the crime but as per the allegations made in the FIR car bearing registration Number beginning with initial letters/figures HR-55 was used by the offenders. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. 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 along with his co-accused committed heinous offence of robbery. The petitioner is also involved in one more criminal case. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

Accordingly, 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.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any such offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

02.07.2021

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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