

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-16931 of 2020
Date of Decision : 07.09.2021

Sapikul Mandal

..Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Sanghi, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.562 dated 10.12.2018 registered under Sections 457 and 380 IPC (Section 381 of IPC and Sections 3/14 of the Foreign Act, 1946 added lateron) at Police Station Sector 14, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is behind the bars since 26.12.2018 and as the trial is likely to take some time before it concludes, the petitioner be granted the benefit of regular bail.

Learned State counsel submits that in the present case, the petitioner was involved in a incident, where the property worth crores was stolen and as the material witnesses are yet to be examined, the grant of the benefit of regular bail to the petitioner is likely to effect the trial as the

petitioner, who is a foreign national is likely to flee the country.

I have heard learned counsel for the parties have gone through the record with their able assistance.

Keeping in view facts and circumstances of this case, where the property worth crores was stolen and large amount of the same has been recovered from the petitioner, the petitioner cannot be granted the benefit of regular bail ignoring the facts and circumstances of the present case including the allegations alleged against the petitioner. Furthermore, the petitioner is stated to be a foreign national and apprehension being raised by the learned State counsel that it is likely that after the grant of the regular bail, the petitioner will flee the country, cannot be treated as mere apprehension. Further, the material witnesses including the complainant are yet to be examined and the delay in conclusion of the trial, which is being brought into operation by the learned counsel for the petitioner, cannot come to the rescue of the petitioner for the reason that the said delay is due to the pandemic of Covid-19 which is beyond human control.

Keeping in view the above, no ground is made out to allow the present petition seeking regular bail to the petitioner, at this stage.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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