

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

224

**CRM-M-23877-2021
Date of decision: 30.06.2021**

AMRIT KUMAR AND ANOTHER

.....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Pankaj Bali, Advocate
for the petitioners.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioners have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No. 51 dated 10.03.2021 registered under Section 379-A read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Nigdhu, Karnal.

The petitioners being in custody have filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. There was undue unexplained delay of about three months in lodging of the FIR. The petitioners were not named in the FIR. No test identification parade was got conducted. Recovery of mobile phone was planted on petitioner No.2. There is no cogent incriminating evidence against the petitioners regarding involvement in commission of the offence. The trial is likely to take long time due to restrictions imposed to prevent the 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 petitioners snatched mobile phone from the complainant. Petitioner No.2 is involved in one more criminal case of similar nature. In view of the nature of accusation and gravity of offences, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, delay in lodging of the FIR, nature of accusation and evidence against the petitioners and also 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 petitioners.

In view of the above, the petition is allowed and the petitioners are 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 petitioners are granted regular bail subject to the condition that they shall not commit any similar offence after release on bail and in case of commission of any such offence by them after release on bail, their bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

30.06.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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