

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

CRM-M-23543-2020

Date of decision : 14.01.2021

Jai Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Shubhankar Baweja, Advocate, for the petitioner.
Mr.Vikrant Pamboo, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.152 dated 05.12.2018, registered under Sections 395/397 IPC at Police Station Sector Raipur Rani, district Panchkula.

Briefly stated, the case of the prosecution is that the petitioner, alongwith 10/12 of his co-accused, attacked a Dhaba owner and after giving him beatings looted him.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case at the behest of one of his co-accused Nisar; he is not named in the FIR; he is in custody since 06.12.2018; no recovery has been effected from him; there is no evidence against him; there is no other criminal case in which he is involved; the complainant has been examined and therefore, the petitioner is not in a position to exert any influence and that since in his trial nine prosecution witnesses still remain to be examined it is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has taken part in an armed robbery and if released on bail he is likely to commit similar offences.

The petitioner has already been in custody for the last over two years and one month; he is not involved in any other criminal case; the complainant has already been examined and since in the petitioner's trial nine prosecution witnesses still remain to be examined it is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Panchkula the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

14.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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