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

-.-

CRM-M-23506-2020 (O&M)

Date of decision : 27.01.2021.

Kuldeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.243 dated 14.05.2020 under Sections 395, 397 of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act, 1959 registered at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner would contend that the petitioner has been nominated on the basis of the disclosure statement of the co-accused. He has further stated that recovery of motor-cycle has been affected from the present petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana has referred to the short affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, Head Quarter Palwal wherein it has been stated that the petitioner was arrested on the basis of the disclosure statement of co-accused Azad alias Kaley. Learned State counsel, on instructions from ASI Mahender Singh, would further contend that there are no other cases pending against the petitioner.

I have heard learned counsel for the parties.

The brief facts relevant to the present case are that a dacoity is alleged to have been taken place on 13.05.2020. As per the statement of the complainant, Samin Khan, he was driving his Swift car from Palwal to village Singar. At about 9:30 pm, when he reached under the bridge of KMP, four youths signaled him to stop his car and they sought a lift from him. All the four persons got inside his car and were given lift by him. It is further submitted that when he reached at village Athoa turn, two youths on a motorcycle waylaid his car and out of the four persons sitting inside, two persons whipped out the country made pistol and pointed at his head and threatened to shoot him. He was dragged on the back seat and two other youths came inside the car by forcing their entry and took him in the said car towards road leading from Mitrol village to Manpur village. He was tied and was given threats not to raise his voice otherwise he would be shot dead. The further allegation is that Rs.14,200/- kept in his pocket and mobile phone were looted. It is further alleged that with great difficulty he untied himself and reached the Brick Kiln. On the basis of the said complaint, the FIR has been lodged.

Vide order dated 26.10.2020 the petitioner-herein was granted interim bail in the present case. As per the status report, motor-cycle has been recovered from the petitioner. The petitioner has been in custody since 20.05.2020. Challan already stands presented. No useful purpose will be served by keeping the petitioner behind bars.

In view of the above, without commenting on the merits of the case and keeping in view the fact that the petitioner has been in custody since 20.05.2020 as also the fact that the trial is unlikely to conclude in the

near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 27, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No