

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.27744 of 2020
Date of Decision: January 19, 2021

Ram Niwas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gourav Jain, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.507 dated 12.12.2018, under Section 25 Arms Act, 1959 and Sections 34, 342, 392, 506, 458 and 120-B IPC, 1860, registered at Police Station City Tohana, District Fatehabad. The petitioner is in custody since his arrest on 14.12.2018.

The FIR was registered at the instance of Bhim Sain Gupta, wherein it has been alleged that on 11.12.2018, when he alongwith his wife were alone at their house in the evening, then two unknown persons entered their house. One of them, who had covered his face, was carrying a 'barcha' and the other was carrying a pistol and after throwing the complainant and his wife in the room, they demanded key of the almirah. When the complainant refused to hand over the key, they broke the locks of the room

as well as almirah and took away an amount of Rs.15.58 lacs from the bag alongwith two mobile phones and ran away from there.

Learned counsel for the petitioner contends that the prosecution has set up a common case against the petitioner and his co-accused Balraj @ Balbir, who has been released on regular bail vide order dated 11.07.2019 (Annexure P-2). He has further contended that the other two co-accused, namely, Davinder Singh and Kulwinder Singh @ Buba have also been released on regular bail vide orders dated 07.01.2020 and 23.01.2020 (Annexures P-3 and P-4). He submits that the petitioner is in custody for a long time and even the charges have not been framed so far by the trial court, therefore, the petitioner also deserves the concession of regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Mahender Singh, on the ground that the offences are serious. However, it is not disputed by him that the co-accused of the petitioner have already been released on regular bail. He, on instructions, further states that the final report under Section 173(2) Cr.P.C. was filed against the petitioner on 20.02.2019, however, the charges are yet to be framed.

After hearing learned counsel for the parties and considering the custodial period of the petitioner, this Court is of the opinion that his further detention of the petitioner may not be justified as the trial is not making any headway. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
Fatehabad.

January 19, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No