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

CRM-M-36834-2020

Date of decision: 08.01.2021

Suraj

..... Petitioner (s)

V/s.

State of Haryana

..... Respondent (s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. S.S. Sahu, Advocate, for the petitioner.

Mr. Minderjeet Yadav, Deputy Advocate General, Haryana.

Sanjay Kumar, J. (Oral)

By way of this second petition filed under Section 439 Cr.P.C, the petitioner seeks grant of regular bail in relation to FIR No.47 dated 01.02.2020 on the file of Police Station City Fatehabad, Tehsil and District Fatehabad, registered under Section 394 IPC.

The earlier bail petition in CRM-M-16224-2020 filed by the petitioner was dismissed as withdrawn on 11.08.2020.

The petitioner and the other accused in this case allegedly attacked the victim on 01.02.2020 at about 12:00 P.M when he was coming from Village Haroli to Fatehabad on his motorcycle. The victim was stated

to have been inflicted a danda blow on the back of his head, whereupon he fell down from the motorcycle. The accused are alleged to have snatched away his purse containing ₹200/-, his Aadhar Card and SBI ATM Card along with his motorcycle. The victim had stated that one of the accused addressed another by the name 'Chotiya' while another accused was called Sandeep. Thereupon, the subject FIR was registered mentioning the names of these two accused. The petitioner, who was implicated on the statement of his co-accused, was taken into custody on 02.02.2020. After completion of investigation, the police presented the challan before the jurisdictional Court. In these circumstances, he seeks grant of regular bail.

The Deputy Superintendent of Police, City Fatehabad, filed a reply. Therein, he stated that the victim's purse along with his SBI ATM Card and Aadhar Card were recovered from the petitioner during the course of investigation. He asserted that the petitioner had played a vital role in the robbery. He further stated that the challan was presented under Section 173 Cr.P.C on 12.03.2020 under Sections 394 and 34 IPC against the petitioner and the co-accused.

Mr. S.S. Sahu, learned counsel for the petitioner, would inform this Court that one of the co-accused, viz, Vicky @ Chotiya, was granted regular bail by the learned Chief Judicial Magistrate, Fatehabad, on 08.12.2020. He would pray for similar relief being granted to the petitioner.

The aforestated facts demonstrate that recovery under Section 27 of the Indian Evidence Act, 1872, has already been effected from the petitioner. Further, as the challan has already been presented, there is no need for continuing his custodial incarceration at present. That apart, there

is no possibility of the case being taken to its logical conclusion expeditiously, due to the prevailing situation caused by the Covid-19 pandemic effectively stalling regular Court proceedings.

In that view of the matter, this Court is of the opinion that the petitioner would be entitled to grant of relief subject to conditions.

The petition is accordingly allowed directing the release of the petitioner on regular bail in FIR No.47 dated 01.02.2020 on the file of Police Station City Fatehabad, Tehsil and District Fatehabad, upon his furnishing a personal bond for a sum of ₹50,000/- along with two sureties for a like sum each to the satisfaction of the Duty/Illaqa Magistrate concerned. Further, the petitioner shall not offer any inducement, threat or promise to any person connected with the case and shall maintain peace and lawful conduct.

08.01.2021

rakesh

(SANJAY KUMAR)
JUDGE

whether speaking

: Yes/no

whether reportable

: Yes/no