

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

207

CRM-M-37445-2020 (O&M)

Date of decision: 02.07.2021

Bijender @ Koki

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jitesh Sharma, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

CRM-11122-2021

The application is allowed as prayed for and exemption
from filing certified copies is granted and the documents in question are
taken on record as Annexures P-3 to P-17.

CRM-11123-2021

Prayer in the application was for pre-ponement of the main
case fixed for 02.07.2021 to an earlier date.

The application has become infructuous and is disposed of
accordingly.

CRM-M-37445-2020

The petitioner has 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.172 dated 13.08.2020
registered under Sections 380 and 457 of the Indian Penal Code, 1860
(for short, "the IPC") at Police Station City Safidon, District Jind.

The petition has been opposed by the respondent-State in

terms of reply filed by way of affidavit of Ajit Singh Shekhawat, IPS, Assistant Supereintendent of Police, Safidon.

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

Learned Counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the case at the instance of complainant Sachin Garg. The petitioner was not previously known to the complainant yet complete details of the petitioner regarding his parentage and address have been given by the complainant which is a suspicious circumstance showing manipulation. No such CCTV footage as alleged has been produced by the complainant before the police or the Court. There is no cogent evidence as to involvement of the petitioner in commission of alleged offences. The trial is likely to take long time due to restrictions imposed to prevent 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 petitioner is a habitual offender and is involved in 22 other cases of similar nature. The incident of theft was covered in the CCTV footage. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the petitioner is involved in 22 other cases of similar nature, but

without commenting on the merits of the case, I am not inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition filed by the petitioner for grant of regular bail is hereby dismissed.

However, in view of the facts and circumstances of the case and the observations made by Hon'ble Supreme Court in *Doongar Singh Vs. State of Rajasthan 2018 (1) RCR Criminal 256*, *State of U.P. Vs. Shambhu Nath Singh and others, 2001 (2) R.C.R. (Criminal) 390*, *Hussain and another Vs. Union of India 2017(2) RCR Criminal 312* and *Thana Singh Vs. Central Bureau of Narcotics 2013(1) R.C.R(Criminal) 861*, the trial Court is directed to expedite trial and conclude recording of prosecution evidence expeditiously preferably within a period of six months from the date of receipt of a copy of this order by conducting trial on day to day basis as far as possible and by allocating block of dates for recording of prosecution evidence as directed by Hon'ble Supreme Court and by issuing coercive process for securing presence of the witnesses, if so required.

In case of non-appearance of any of the other prosecution witnesses, the trial Court shall take appropriate action against the concerned prosecution witness absenting without any lawful excuse by filing complaint under Section 174 of the IPC or taking proceedings under Section 350 of the Cr.P.C. against him.

A copy of this order be sent to the trial Court concerned for requisite compliance.

02.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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