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

**CRM-M-37942-2020 (O&M)
Date of decision-11.01.2021**

Rajender @ Radhey

....Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Sushil K.Sharma, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.208 dated 11.07.2020 registered under Sections 379-B, 506, 341, 427 and 120-B Indian Penal Code, 1860 at Police Station Siwani, District Bhiwani. The petitioner is in custody since his arrest on 11.07.2020.

The FIR was registered on the statement of Ravinder son of Sube Singh, wherein it was stated that he is working in Gas Agency, HP Siwani. On 10.07.2020, at about 9.00 P.M., when complainant alongwith his friend Narender, after completion of work, was going towards Rupana on their motorcycle, then four young persons who were armed with rods and dandas waylaid the complainant and his friend Narender. Thereafter, they assaulted the complainant and his friend with their weapons due to which the complainant and his friend fell on the road and accused persons snatched Rs.48,500/- from the pocket of the complainant. In the meantime, the

employer of the complainant on seeing the said occurrence stopped his vehicle, then all the assailants after causing injuries to the complainant and his friend fled away from the spot. Complainant identified one of the assailants as Vijay, who was working with him in the Gas Agency and had left the job 10 days back and the second one as Shakti son of Bablu, who was known to the complainant. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and other co-accused has been released on regular bail vide order dated 13.10.2020 (Annexure P-5). It is pointed out that during the pendency of the case, the complainant has compromised the matter with accused persons and the separate petition for quashing of FIR has already been filed. He has invited the attention of the Court to the compromise (Annexure P-1) as well as the affidavits of complainant and eye-witnesses (Annexures P-2 and P-3). He submits that as the investigation of the case is complete, therefore, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Krishan Kumar does not dispute this fact that the investigation of the case is complete and the co-accused of the petitioner are on bail. Learned counsel appearing on behalf of the complainant also admits the factum of compromise between the parties.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete as the final report stands filed on 20.08.2020, however, charges are yet to be framed. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region

presently confined in judicial custody since 11.07.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

11.01.2021

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No

(MANOJ BAJAJ)
JUDGE