

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

226

**CRM-M-38475-2020
Date of decision: 09.02.2021**

KAMIL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mohd. Salim, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 148 dated 08.09.2020 registered under Sections 365, 379-A, 384, 120-B and 34 of the Indian Penal Code, 1860 at Police Station Utawar, District Palwal.

The above said FIR was registered on statement of Rashid who alleged that on 08.09.2020 he and Shipra were going to their village from Greater Noida in his car No. HR-07S-5678. When they reached near Utawar turn and he was about to sit in the car after purchasing gutka from the shop, then 2-3 boys came and threw him inside their car No. HR-27E-2327. One boy also boarded in the car on the way near village Ghurawali. They started beating him and while doing so they were calling each other by their names Taufiq and Arif. They snatched amount of Rs.12,000/-, one Mobile phone and one Sonata Watch from him. They also demanded amount of Rs. 2,50,000/-

otherwise they would plant a case of Ganja and hand him over to the crime branch. However, on seeing the police vehicle the above said accused threw him from their car and fled away. Sohil, who had sent him to Utawar for making of Aadhar Card, had sent those persons to abduct him.

The petitioner, who is in custody since 10.09.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel in terms of reply filed by way of affidavit of Yashpal Singh, HPS, Deputy Superintendent of Police, Palwal filed in the Registry which is taken on record.

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 was not named in the FIR and has been falsely implicated in the case. No test identification parade was got conducted. Recovery of vehicle was planted on him. No independent witness was joined at the time of alleged recovery. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and 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 argued that the petitioner is accused of having committed heinous offences. In view of the nature of accusation and gravity of 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 and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any similar offence after his release on bail, his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

09.02.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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