

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

Criminal Misc.-M No.39410 of 2020

Date of Decision: January 29, 2021

Kuldeep & another

...Petitioners

Versus

State of Haryana & another

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Mamli, Advocate,
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.235 dated 28.09.2020, under Sections 147, 149, 379-B and 427 IPC, 1860, registered at Police Station, Mundkati, District Palwal. The petitioners are in custody since their arrest on 16.10.2020.

As per the allegations in the FIR, on 27.09.2020 at about 10.45 p.m., the complainant along with his wife Rakhi and daughter Salvi was going from Mathura to Panipat in his vehicle No.HR-26BS-7912, which was being driven by Anish. When they reached near Toll Tax, Tumsara, he stopped his vehicle at the back of the vehicles which were in the line. In the meantime, two toll plaza employees came and started hitting with fist blows on his vehicle. The complainant got down from the vehicle and told what was the matter, then they started abusing him and hitting stones on the side glass. In the meantime, 5/7 employees of toll plaza came and they also gave slaps and fist blows to him and his driver. His wife and daughter came out

of the vehicle. The accused persons gave beatings to them and also snatched his purse and took out Rs.50,000/-. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners contends that the petitioner were indicted on the basis of the supplementary statement of the complainant, and during the pendency of the trial, the parties have entered into a compromise (Annexure P-3). He submits that the further custody of the petitioners may not be necessary and prays for bail.

On the other hand, learned State counsel, on instructions from HC Satbir Singh, states that after completion of investigation, the final report was submitted on 08.01.2021. He further states that the petitioners are not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the trial is yet to commence and as the petitioners are not involved in any other case, therefore, considering their period of custody, this Court does not find any reason to decline the prayer, particularly when the trial will take considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region.

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, Palwal.

January 29, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No