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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40115-2020 (O&M)
Date of Decision: 28.01.2021

Amarudin

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jarnail Singh Saneta, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.228 dated 24.06.2020 registered under Sections 295/297/427 IPC, 1860 (Sections 435 and 436 IPC added later on) at Police Station Ladwa, District Kurukshetra, Haryana. The petitioner is in custody since his arrest on 03.07.2020.

The FIR was registered on the basis of complaint given by Sayam Bangar and the allegations as noticed by Id. Addl. Sessions Judge, Kurukshetra in the order dated 29.10.2020 are as under:

In brief, the facts of the case are that on 24.06.2020, complainant Sayam Bangar visited in Police Station, Ladwa and moved a complaint for taking legal action against unknown person. Further alleged that he (complainant Sayam Bangar son of Rameshwar) is resident of village Mehra, Tehsil Ladwa, District Kurukshetra. Further alleged that a Shiv temple is situated in village Mehra and he has a bara near Shiv Temple and some article is lying therein. Further alleged that a Koop of fodder there is also situated in the bara. Further alleged that in the night some unknown person has sat on fire in the Koop of fodder and due to which koop of fodder turned completely into ashes. Further alleged that the unknown person has also sat on fire the

idol situated in the Temple and due to which he suffered a great loss. Further alleged that due to this reason, there creates great problem of grass for his animals. Prayed that legal action be taken against accused. On the basis of this complaint, case under Sections 295, 297, 427, 435, 436 of the Indian Penal Code, 1860 was registered.

Learned counsel for the petitioner has argued that the complainant has falsely implicated the petitioner and the allegations of damaging the God idol in the temple are baseless. According to him, the investigation of the case is complete and the petitioner is confined in judicial custody. He prays that the petitioner be released on regular bail, as his further custody is not required for any useful purpose.

On the other hand, learned State counsel assisted by SI Balraj Singh, has opposed the prayer on the ground that the petitioner had set on fire the God idol situated in the temple and due to which the complainant suffered a great loss. He also submits that the petitioner is involved in three other cases under the Excise Act. He does not dispute the fact that the investigation of the case is complete and the challan has been presented on 02.09.2020.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 03.07.2020, therefore, his further detention may not be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Kurukshetra.

The petition is allowed.

28.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No