

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

104

CRM-M-40334-2020

Date of decision: 22.02.2021

Gagandeep Singh @ Gagandeep Sharma @ GugguPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manpreet Singh Longia, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

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.438 dated 24.12.2019 registered under Sections 186 and 307 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 25 and 27 of the Arms Act, 1959 in Police Station Pinjore, District Panchkula.

As per the prosecution version, the petitioner along with other accused committed dacoity in the area of Village Rampur Jangi on 24.12.2019 regarding which FIR No.437 dated 24.12.2019 was registered under Sections 352, 357, 452, 120-B and 201 of the IPC and Section 25 of the Arms Act, 1959 in Police Station Pinjore, District Panchkula (to which Sections 392 of the IPC was added and from which Sections 352, 357, 120-B and 201 of the IPC was deleted

lateron). On identification of the car bearing registration No.PB-06-AF by the complainant, the police party chased the same. One tyre of the car caught in the drain due to which accused persons left the car and ran away. While running away the accused persons fired on the police party. On the application of SI Rajender Singh, present FIR was registered in Police Station Pinjore, District Panchkula.

The petitioner, who is in custody since 29.01.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

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 has been falsely implicated in the present case on the basis of disclosure statement of co-accused Manpreet Singh @ Munna. No test identification parade was got conducted qua the petitioner either in the earlier case or in the present case. The petitioner has been granted bail in case FIR No.437 dated 24.12.2019 vide order dated 05.11.2020 passed by the Coordinate Bench of this Court. 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 submitted that the petitioner, along with his co-accused, is alleged to have committed heinous offences. In view of nature of accusation and gravity of

offences and, 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 who is implicated in the present case on the basis of disclosure statement of co-accused 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 offences after his release on bail and in case of commission of similar offences by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

22.02.2021

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(ARUN KUMAR TYAGI)
JUDGE

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