

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

(Through Video Conferencing)

CRM-M-41054-2020

Date of Decision: 21.01.2021

SHYAM @ TIGER

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Ms. Sharmila Sharma, Advocate,
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.210 dated 25.09.2020 registered under Sections 148, 149, 285, 323 324, 379-B, 506 of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Civil Lines, Rohtak, District Rohtak, Haryana.

Learned counsel for the petitioner contends that the FIR in question was registered against unidentified persons who allegedly inflicted fist and kick blows on the persons of the petitioner and thereafter also inflicted injuries with a *sword* on him. Subsequently, the alleged assailant fled from the spot after snatching ₹8,000/- from the complainant. Learned counsel for the petitioner further contends that the name of the petitioner was later on arrayed as an accused on the basis of the disclosure statement of co-accused, Ishant who then attributed a role to the petitioner in the occurrence in question and later on recovery of one motorcycle was shown to

have been effected from the petitioner. She contends that the petitioner has been in custody since 12.10.2020 and only final report under Section 173 of the Code of Criminal Procedure, 1973 has been presented till date. Hence, there is no likelihood of the concluding the trial any time in the near future.

Heard

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sanjay, has submitted that the challan has been presented before the trial Court and charges are likely to be framed on the next date of hearing. On a pointed query put to her, she has apprised the Court that the petitioner is not involved in any other criminal much less the case of the similar nature.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 12.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 21, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No