

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

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**CRM-M No.42156 of 2020
Date of decision:12.01.2021**

Rajbir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naveen Siwach, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.667, dated 02.10.2020 registered under Sections 379-A and 34 of IPC, 1860, at Police Station Barwala, District Hisar.

Counsel for the petitioner has contended that the petitioner has not been named in the FIR and no test identification parade was conducted. He submits that there is a delay in lodging the FIR as the alleged occurrence had taken place on 01.10.2020, whereas the FIR was registered on the next day. Counsel submits that he has been falsely involved in another FIR bearing No.35 dated 13.09.2020 registered under Sections 379-A, 506, 341 and 34 IPC at Police Station Sadar, District Rohtak after his arrest in the present case on the basis of suspicion, even though, the said FIR was registered against unknown persons. He submits that the petitioner is in custody since 23.10.2020, challan has been presented but the trial is not progressing due to outbreak of the Covid-19 pandemic.

Per contra, learned State counsel upon instructions from ASI Sukhbir Singh has opposed the petition. He has referred to the status report filed by way of affidavit dated 09.01.2021 of Deputy Superintendent of Police, Barwala to submit that as the petitioner was identified by the complainant, no identification parade was conducted. He submits that the petitioner was arrested on the basis of the call details of the stolen mobile, which was also recovered from him. As per his instructions, challan has been presented on 18.12.2020 and trial is now fixed for framing of charges.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, nature of allegation, gravity of offence and the fact that the trial is likely to take time due to spread of contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

Henceforth, in case, the petitioner is found to be involved in any criminal activity, it will be open to the prosecution to seek cancellation of his bail.

12.01.2021
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No