

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

105

**CRM-M-42986-2020
Date of decision : 05.04.2021**

AnilPetitioner
Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Hooda, Advocate
for the petitioner.

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

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.182 dated 01.07.2020 registered under Section 392 of the Indian penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Safidon, Jind.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by 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 gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused Rajesh @ Kala. Present FIR was registered after delay of 113 days. No test identification parade of any of the accused was got conducted. Amount of Rs.4,600/- is alleged to

have been recovered from the petitioner. Nothing was recovered from the petitioner and recovery has been planted on him in connivance with the complainant. The petitioner has been falsely implicated in four other cases of similar nature on the basis of disclosure statements of co-accused. Charge-sheet has already been filed in the case. Prosecution evidence is yet to be recorded. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is a habitual offender and is involved in four other cases of similar nature. In view of nature of accusation and gravity of offences, 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, delay in lodging of the FIR, nature of accusation and evidence against the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent 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.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail 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 offence after his

release on bail and in case of commission of any similar offence by him in future, his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

05.04.2021

(ARUN KUMAR TYAGI)

Vinay

JUDGE

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