

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

108

**CRM-M-43766-2020
Date of decision: 25.03.2021**

Dharmender @ Pintu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashok Kaushik, 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 petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.207 dated 04.11.2020 registered under Sections 148, 285, 452 and 506 read with Section 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 in Police Station Tigaon, District Faridabad.

The above-said FIR was registered on statement of Rocky who alleged that on 04.11.2020 in the midnight Kapil, Parveen, Nanu and Pantu (the petitioner) along with two/three other persons came in black colour Scorpio car and trespassed into his house and started firing in the air. When they raised alarm, the accused fled from the spot while threatening to kill him.

The petitioner being in custody 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. General and vague allegations have been made against the petitioner and his co-accused. No specific attribution of firing was made against the petitioner and no fire arm was recovered from him. Offences alleged to have been committed by the petitioner are triable by Judicial Magistrate First Class. 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 has committed serious offences. 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, nature of accusation and evidence against the petitioner, the fact that no fire arm was recovered from the petitioner, offences alleged to have been committed by the petitioner are triable by Judicial Magistrate First Class 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.

25.03.2021
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(ARUN KUMAR TYAGI)
JUDGE

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