

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

213

**CRM-M-44057-2020
Date of decision: 04.08.2021**

Bijender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajender Kumar, Advocate
for the petitioner.

Mr. Sumit Jain, 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.862 dated 02.11.2019 registered under Section 379-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Model Town, District Panipat.

Briefly stated the above said FIR was registered on written complaint submitted by Hawa Singh. In the written complaint Hawa Singh alleged that on 31.10.2019 at about 06.30 AM three unknown persons stopped truck bearing No.WB-23D-7514 and on gunpoint snatched amount of Rs.9800/- and mobile phone from driver Santosh Singh and Rs.60/- from him. They also looted driver of truck bearing registration No.UP-13-AT-8939. During investigation the petitioner was arrested in the case and on his disclosure statement and recovery of

motorcycle used in the crime and mobile phone were recovered from him.

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

The petition has been opposed by learned State Counsel in terms of short reply filed by way of affidavit of Sh. Sandeep Singh, HPS, Deputy Superintendent of Police, Traffic, Panipat.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. FIR was registered against three unknown persons. No test identification parade was got conducted and the petitioner was not identified to be the person involved in the crime at any stage. Recovery of the mobile phone and motorcycle used in the occurrence was planted on him. The petitioner is in custody since 04.11.2019. Co-accused Neeraj has already been granted regular bail by this Court vide order dated 17.12.2020 passed in CRM-M-36050-2020. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. 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 argued that the allegations against the petitioner are serious. The petitioner is habitual offender and is involved in three other cases. The petitioner does not deserve the concession of regular bail. Therefore, the petition

may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody, parity with co-accused Neeraj and also the fact that the 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.

Accordingly, 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 after his release on bail, he shall not commit any similar offence and in case of commission of similar offence by him after his release, his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

04.08.2021

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(ARUN KUMAR TYAGI)
JUDGE

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