

Law Today Live Doc. Id. 15172

PUNJAB AND HARYANA HIGH COURT

Before: Arun Kumar Tyagi, J.

CRM-M-15284-2020 (O&M)

Decided on: 29.07.2020

Rajesh and others

Petitioners

Versus

State of Haryana

Respondent

Present:

Mr. Jasbir Singh Dadwal, Advocate for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana for the respondent-State.

Mr. Sanjeev Roy, Advocate for the complainant.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Indian Penal Code, 1860 (45 of 1860), Sections 323, 380, 452, 34 (lateron added 395, 397) – Regular bail – Compromise between the parties – Seeing the nature of accusation against the petitioners and also the fact that trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 concession of regular bail extended to the petitioners.

(Para 10-14)

ARUN KUMAR TYAGI, J. (ORAL) –

1. The case has been taken up for hearing through video conferencing.

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2. For the reasons mentioned in the application, the same is allowed and compromise deed and relevant document are taken on record as Annexures P-3 and P-4 respectively.

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3. Petitioners-Rajesh, Deepak and Lalu Ram have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.204 dated 16.03.2020 registered at Police Station Sector 5, Panchkula under Sections 323, 380 and 452 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') to which Sections 395 and 397 of the IPC were added lateron.

4. The above said FIR was registered on the complaint of Maninder Singh, Manager of the wine shop in question who alleged that on 15.03.2020 at about 08:30 P.M., 3 to 4 boys, who had a quarrel outside their shop, asked the sales man for the CCTV footage of the camera installed outside so that they could identify the persons involved but the sales man refused by saying that there is no CCTV camera outside the shop and camera was installed inside the shop only.

5. On hearing the same, one boy came from the outside having soda water bottle in his hand and started beating the sales man and took out handful of money from the money box and put the same in his pocket. In the

meanwhile, 2-3 other boys carrying weapons in their hands came inside, one of them took the entire sale proceeds of the day amounting to about Rs.2 lakhs kept in a packet and put the same in his pocket. Other boys gave beating to the sales man with bottles.

6. The petitioners, who are in custody since the date of their arrest, have filed the present petition for grant of regular bail.

7. The learned State counsel has appeared and opposed the petition.

8. The complainant has also appeared through his counsel but has not opposed the petition.

9. I have heard learned counsel for the petitioners, learned State counsel and learned counsel for the complainant and gone through the record.

10. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. The quarrel took place between Deepak (petitioner No.2) and Sumit on the one side and some unknown assailants on the other side. For ascertaining the whereabouts of the unknown assailants they demanded CCTV footage from employee of the liquor shop who refused and abused them. The incident took place due to misunderstanding and no such theft as alleged was committed. The matter between the petitioners and the complainant party and other co-accused has already been resolved. The petitioners are not involved in any other case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

11. On the other hand, learned State counsel has submitted that in view of the gravity of accusation, the petitioners do not deserve the grant of bail. Therefore, the petition may be dismissed.

12. However, learned counsel for the complainant has submitted that the matter has been compromised between the complainant, the injured and the petitioners as well as their co-accused and the complainant and the injured have no objection to grant of bail to them.

13. Keeping in view the facts and circumstances of the case, nature of accusation against the petitioners and also the fact that trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on merits of the case, I am of the considered view that the concession of regular bail be extended to the petitioners.

14. Therefore, the petition is allowed and petitioners- **Rajesh, Deepak and Lalu Ram** are ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petition allowed.
