

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

Criminal Misc.-M No.4572 of 2020

Date of Decision: July 20, 2020

Harbhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.51 dated 28.03.2019, under Sections 379-B(2) IPC, 25 Arms Act, Sections 394, 397, 450, 177 IPC (added later on) and Section 379-B(2) IPC (deleted later on), registered at Police Station, Model Town, Ludhiana. The petitioner is in custody since his arrest on 02.04.2019.

The FIR was registered on the basis of the statement of Parminderjit Singh Sekhon, wherein it was alleged that he and his brother Sarabjeet Singh used to do business of western union/money transfer together and have office at Dogri Road, near Mata Palace under the name and style of M/s Sekhon and Sekhon Finance and Investment Company. At about 01:15 PM, his brother Sarabjit Singh went to his house for having meals and he was sitting alone in the office. At about 02:15 PM, one Hindu gentleman entered into his office and shown him one U.S.A. Dollar and

asked him about the rate, upon which, he asked him to sit. In the meantime, three more young persons entered in his office one by one. Out of them, one was armed with kirpan. He took out his kirpan and the first person took out kulhari and another person took out pistol and pointed on him and the person, who was carrying kulhari, gave three blow on him which hit on his head and left side of forehead and one blow on his right shoulder and another on his left arm and the blood started oozing out from his forehead. All the four persons made him to sit on the table and pressed his neck and put a cloth in his mouth. His purse containing ₹ 3000/- and aadhar card of his wife and other documents and approximately 900 US dollars and ₹ 60,000/-, which were lying in the drawer of his table and his mobile phone make Vivo-V3 containing SIM No.94175-20343 and 97796-90002 were stolen. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that investigation of the case is complete and the final report under Section 173 Cr.P.C. was filed on 18.09.2019, however, charges are yet to be framed by the trial Court. Learned counsel fairly states that though the petitioner is involved in one another case, but he has been released on regular bail. According to him, his co-accused Ranjit Singh has not been produced by prosecution before the trial Court despite issuance of production warrants and, therefore, the trial is being delayed. He has prayed that the petitioner be released on regular bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Jaswinder Singh, has opposed the prayer on the ground that the petitioner was not only involved in the present case, but is also arraigned in case FIR No. FIR No.69 dated 28.03.2019, under Section 307 IPC, Police Station,

Dehlon Ludhiana. It is not disputed by him that in the other case, he has been granted the concession of regular bail.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court is of the opinion that further custody of the petitioner may not be necessary as after filing of final report in September, 2019, even charges have not been framed. The petitioner is confined in judicial custody after his arrest on 02.04.2019. It is needless to observe that in view of the outbreak of global pandemic, namely, COVID-19, the conclusion of trial is likely to consume considerable time as various restrictions have been imposed by State Government/District Administration to contain its spread.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

The petition is allowed.

July 20, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No