

207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5959-2020

Date of decision-06.08.2020

Harpreet Singh @ Peeta

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.R.Rana, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.211 dated 09.10.2018 registered under Section 394 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959 (later on charges were framed under Sections 120-B, 397, 411 and 473 IPC and Section 25 of Arms Act) at Police Station Sarabha Nagar, Ludhiana. The petitioner is in custody since his arrest on 11.10.2018.

The FIR in the present case was registered on the statement of complainant, namely, Manpreet Singh wherein it was alleged that he was working in Radiant Cash Management Service Agency and his relative Karanvir Singh also worked with him. On 09.10.2018, when both of them were coming on their motorcycle bearing No.PB-10-EM-7767, after

collecting Rs.10,71,000/- from office, then one unknown person snatched the bag, due to which Karanvir fell on the road and meanwhile other associates of unknown person also came there and one of them fired gunshot towards leg of the complainant. Other person kept snatching the bag from Karanvir Singh and kept beating him. One of them fired gunshot on the right leg of Karanvir Singh and then they fled away by snatching the bag. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner was indicted as an accused on the basis of the statement made by co-accused and was arrested on 11.10.2018. He submits that the investigation of the case is complete and the final report was submitted on 10.12.2018. He submits that the charges were framed on 24.09.2019 but till date no witness has been examined by prosecution. He has invited the attention of the Court to the orders appended with the petition as Annexure P-2 whereby regular bail was granted to the co-accused. He submits that case of the petitioner is at par with the co-accused and therefore, the concession of regular bail be extended to him during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Avtar Singh has opposed the prayer on the ground that a sum of Rs.1,40,000/- was recovered from the petitioner. However, it is not disputed by him that in all there are 11 accused and 06 have already been released on regular bail. He fairly submits that no prosecution witness has been examined so far. It is further pointed out that petitioner is involved in other cases of theft as well and is confined in custody.

At this stage, learned counsel for the petitioner contends that the recovery of almost similar amount was effected from the other co-accused who have been released on regular bail.

Considering the above background, custody of the petitioner and the progress of the trial, this Court does not find any reason to decline the prayer of the petitioner particularly when the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 11.10.2018 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner 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 concerned.

The petition is allowed.

06.08.2020

vanita

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No