

CRM-M-13041-2020 (O&M)

Date of Decision: 01.10.2020

Vipin Kumar @ Karan

...Petitioner

vs.

State of UT Chandigarh

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Madan Sandhu, Advocate for the petitioner.
Mr. Rajiv Vij, APP for UT Chandigarh.

B.S. Walia, J. (VC)

Case is being taken up for hearing through Video Conferencing
due to the outbreak of Covid-19 pandemic.

CRM Nos.14548, 21627 & 23542 of 2020

Allowed as prayed for.

CRM-M-13041-2020

1. Prayer in the petition under Section 439 of Cr.P.C., is for grant
of regular bail to the petitioner during pendency of trial in case FIR No.18
dated 04.02.2020, registered under Section 25 of the Arms Act, 1959, at
Police Station Sector-31, Chandigarh.

2 It needs noticing here that CRM-M-12205-2020, as was filed by
the petitioner earlier was withdrawn on 13.05.2020 on the ground that the
petitioner had filed an application before the learned Judicial Magistrate 1st
Class, Chandigarh, for being released on bail due to Corona Virus pandemic.
However, liberty was granted to the petitioner to file fresh petition if the
circumstances of the case so warranted. Learned counsel contends that the
learned Judicial Magistrate 1st Class, Chandigarh, dismissed the application
of the petitioner for release on bail due to Corona Virus pandemic, therefore,

3. Learned counsel for the petitioner contends that no doubt the petitioner is involved in case FIR No.3 of 2018, State Operation Mohali, yet, vide order dated 01.02.2020, he was released on bail in the said case by the learned Addl. Sessions Judge, Mohali, that the petitioner has been falsely implicated in the instant case, no independent witness was joined despite allegedly having prior information, that investigation in the instant case was complete, challan had been filed but due to the corona virus pandemic, trial of the case would take consideration period of time as charges were yet to be framed, therefore, no useful purpose would be served by keeping the petitioner in custody.

4. Learned APP for UT Chandigarh, on the other hand, contends that the petitioner is real brother of infamous gangster Deepu and also accomplice of gangster Sampat Nehra and that after being granted bail in case FIR No.3/2018, State Operation Mohali, he had jumped bail and was apprehended on the basis of secret information, with a loaded pistol with three live cartridges, therefore, he should not be granted concession of bail.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, the petitioner is involved in another case i.e. FIR No.3/2018 State Operation Mohali, but he was released on bail in said case by the learned Addl. Sessions Judge, Mohali, vide order dated 01.02.2020, whereas he was arrested in the instant case on 04.02.2020, therefore, he could not appear before the learned trial Court in case FIR No.3 of 2018 as a result of which, he was declared as proclaimed offender, vide order dated 11.02.2020,

Virus pandemic as charges are yet to be framed, the petitioner is in custody since 04.02.2020, therefore in the circumstances, no useful purpose would be served by keeping the petitioner in custody. However, it is of paramount importance that the petitioner does not commit any offence in the eventuality of his being released on bail and is also available to face trial. Accordingly, in the light of the position noted above, the petition for regular bail is allowed and the petitioner is directed to be released on regular bail during the pendency of the trial subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall surrender his passport before the learned trial Court and shall not leave his area of habitation i.e. Banur except after informing the SHO at the concerned Police Station, Banur having jurisdiction over the area and he shall also report at the same police station on his return. Petitioner shall also report at the concerned police station, Banur twice a week i.e. on Monday and Friday. It is also made clear that in case the petitioner is involved in any other similar offence of which he is accused in the instant case after the grant of bail in the instant case, the bail granted in the instant case would be liable to be cancelled on the prosecution moving an application in respect thereto.

7. However, nothing stated hereinabove shall be taken to be an expression of opinion qua the merits of the case.

(B.S. Walia)
Judge

01.10.2020

'Rajneesh-Rajesh'