

215-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13162-2020 (O&M)
Date of Decision :10.08.2020

Jaswinder Singh @ Kaka

...Petitioner

Versus

State of Punjab

....Respondent

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

Present : Mr.Sukhmeet Singh, Advocate for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.

B.S. Walia, J. (VC)

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

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.343 dated 28.12.2019, registered under Section 379-B IPC to which Section 411 IPC was added later on at Police Station City Faridkot, District Faridkot.
2. Allegations as per the FIR is of a person out of three persons on a motor cycle sitting on the rear of the motorcycle having snatched a mobile phone from the complainant i.e. Manpreet Singh son of Harnek Singh, and on said motor cycle being followed, accused having run away after leaving the motorcycle behind. Subsequently, the petitioner was identified in an identification parade by the complainant.
3. Learned counsel for the petitioner contends that the petitioner is a young man, is not a previous offender, is in custody since 28.12.2019, recovery hasalready been effected, Challan has been filed, though charges

have not been framed and trial is not being conducted on account of prevailing Corona Virus Pandemic and that in the circumstances, no useful purpose would be served by keeping the petitioner behind bars.

3. Learned Sr. DAG, Punjab, on instructions from ASI Lakhbir Singh, confirms the aforesaid factual position.

4. I have considered the submissions of learned counsel for the parties and taking into account the fact that the petitioner is not a previous offender, recovery has been effected and challan has been filed, as also the petitioner is in custody since 28.12.2019 and the trial is not being conducted on account of prevailing Corona Virus Pandemic, am of the view that no useful purpose would be served by keeping the petitioner behind bars.

5. Accordingly, without commenting upon the merits of the case, the petition for regular bail is ***allowed***. Petitioner is ordered to be released on regular bail, in case he is not required in any other case, subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned. The petitioner shall also furnish his undertaking in the concerned police station that he would not commit any other offence while on bail and in case of violation of the said undertaking, it would be open to the prosecution to move an application for cancellation of bail, granted to the petitioner. Nothing stated hereinabove would be taken to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 10, 2020

'Rajneesh-Amit'

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