

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

CRM-M-15881-2020(O&M)
Date of Decision: August 10, 2020

SATNAM SINGH @ SATTU

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manpreet Singh, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No.22, dated 17.02.2020 under Sections 379-B/34 of IPC, registered at Police Station Bagha Purana, District Moga.

Learned counsel for the petitioner, at this stage, submits that due to an inadvertent mistake, the offence punishable under Section 411 IPC, which was incorporated at a later stage, is not mentioned in the head note and the prayer clause of the petition, though the same is duly mentioned in the order dated 22.05.2020, passed by the Ld. Additional Sessions Judge, Moga.

At oral request of learned counsel for the petitioner, which is not opposed, Section 411 IPC is directed to be added in the head note and the prayer clause of the petition. Necessary addition be carried out by the Registry of this Court.

Learned counsel for the petitioner argues that the present petitioner had agitated for the rights of some of the poor affected persons in the village being harassed and victimized by the finance company namely Satin Credit Care Finance Company. The complainant is an employee of the said Company and the FIR was registered at the instance of the said company only with a view to prevent the petitioner from raising a voice on behalf of the poor villagers, who were being taken advantage of by the said Company. The petitioner, it is submitted, is not involved in any other criminal case. The final report under Section 173 Cr.P.C. stands presented. Further incarceration of the petitioner is not required. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, however, submits that recovery of Rs.8,000/- was affected from the petitioner and a similar amount was recovered from the other two co-accused. Some half burnt papers of the complainant Company were also recovered from the accused. It is, however, verified by learned counsel for the State, on instructions from ASI Surjit Singh that final report under Section 173 Cr.P.C./challan stands presented and the petitioner is not involved in any other criminal case.

The petitioner is in custody since 18.02.2020 and is not involved in any other criminal case. Due to the outbreak of the pandemic COVID-19 much progress is not being made towards conclusion of the trial. Trial in this case is not likely to conclude in the near future. No useful purpose

would be served by keeping the petitioner incarcerated any longer. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

August 10, 2020
Sunil

(LISA GILL)
JUDGE

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