

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16256-2020

Date of Decision: September 29, 2020

Harnek Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishavdeep Singh Rana, Advocate,
for the petitioner.

Mr. Ramdeep Partap, DAG, 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.241 dated 06.12.2019, under Sections 457, 380 and 411 IPC, registered at Police Station, Passiana, District Patiala. The petitioner is in custody since his arrest on 28.12.2019.

The FIR was lodged on the basis of the statement of complainant-Sanjay Kumar, Executive Branch Manager, SBI, Gajjumajra, wherein it was alleged that on 05.12.2019, amount of Rs.4 lakhs was loaded in the ATM machine installed at one of the shops of Gurudwara Sahib near Gajjumajra Bus Stand and the cash was again loaded in the evening. Thereafter, it was found that shutter of the ATM machine was broken and few unknown persons had taken away cash from the ATM machine. On these allegations, the above FIR for the offences of theft and trespass at night was recorded.

Learned counsel for the petitioner submits that the offences are triable by Magistrate and the investigation is also complete.

On the other hand, learned State counsel, on instructions from ASI Randhir Singh, has not disputed this fact that the investigation in the subject FIR is complete and the case is fixed for framing of charges. It is further pointed out that the petitioner is involved in other similar cases as mentioned in the custody certificate filed on behalf of the Deputy Superintendent, Central Prison, Patiala.

At this stage, learned counsel for the petitioner submits that in all these cases, the petitioner was indicted as an accused on the basis of the disclosure statement recorded by the police in custody, wherein he is on bail.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume 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, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 28.12.2019, 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

The petition is allowed.

September 29, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No