

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 17024 of 2020
Date of Decision: 11.11.2020

Karan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vivek Aggarwal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 143 dated 27.5.2020 under Sections 379-B/34 IPC registered at Police Station Division No. 8, Jalandhar.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the allegations against the petitioner are that, he in connivance with other co-accused, looted Rs. 2400/- from the complainant and snatched his mobile phone and that there is a delay of 13 hours in lodging the present FIR. Learned counsel further submits that the petitioner has been in custody from the last 05 months and 13 days and there is no other case against him.

On the other hand, learned State counsel submits that vide order

dated 18.6.2020, the learned Additional District and Sessions Judge, while declining the bail application of the petitioner, has observed that the petitioner has been duly identified by the complainant vide identification memo dated 27.5.2020. However, he has not disputed the fact that the petitioner has been in custody from the last 05 months and 13 days and there is no other case against him. Learned counsel further submits that challan has been presented and the charges are yet to be framed.

As per the custody certificate, the petitioner has been in custody from the last 05 months and 13 days. Challan has been presented in the present case and the charges are yet to be framed. Moreover, there is delay of 13 hours in lodging the present FIR. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

November 11, 2020
Gurpreet

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