

CRM-M-17753-2020
Date of decision: 23.07.2020

Jatinder Kumar @ Rohit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. H.S. Multani, Addl. A.G., Punjab
for respondent-State.

The case has been taken up for hearing through video conferencing.

Prayer in the present 1st petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.) is for grant of regular bail to the petitioner in case FIR No.8 dated 08.01.2020 under Section 379-B read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Salem Tabri District Ludhiana City.

The above said FIR was registered on statement of Raju Kumar regarding snatching of mobile phone and amount of Rs. 3,000/- and causing of injuries to him by three persons who came in three wheeler.

The petitioner, who is in custody since 22.01.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel.

However, no reply has been filed on behalf of the respondent-State.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. The petitioner was not named in the FIR. The petitioner has been arrayed on the basis of disclosure statement which is not admissible in evidence. Co-accused Vishal Bhandari has been granted bail by learned Additional Sessions Judge, Ludhiana. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

Learned State Counsel has submitted that the petitioner is accused of having committed serious offences. The petitioner is also involved in another case of planning to commit dacoity. In view of gravity of offences committed, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, period of his custody, grant of bail to his similiary placed co-accused by learned Additional Sessions Judge, Ludhaina and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, the petitioner is granted regular bail subject to

the condition that he shall not commit similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

23.07.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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