

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

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**CRM-M No.18682 of 2020
Date of decision:31.07.2020**

Sumit Sandhu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jitender Singh Dadwal , Advocate for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.67, dated 04.03.2020 registered under Sections 379-B, 34 of IPC and Section 25 of Arms Act and later on added Section 392 IPC at Police Station Division No.6, District Ludhiana.

Counsel for the petitioner has submitted that the allegation in the FIR is that three persons with muffled faces came to the shop of the complainant and robbed him of gold articles. One of them is alleged to be armed with Iron Datar, whereas another is alleged to be carrying a pistol. The argument of the counsel is that none of the three were identified by the complainant nor did the complainant give the details of the quantity of gold, which allegedly was stolen from his shop. The petitioner is stated to be in custody since 18.03.2020.

On the other hand, State counsel, upon instructions of ASI

Jagir Singh, submits that out of the three accused, one accused, namely, Kamalpreet Singh @ Kamal was recognized on the basis of the CCTV footage. According to the instructions of the State counsel, motorcycle, pistol and 984 grams out of the stolen 1 KG gold, were recovered from the petitioner. Challan has already been filed on 12.06.2020 and the case is fixed for 11.08.2020 for framing of the charges. On instructions, the State counsel concedes that the petitioner is not involved in any other case.

Heard.

The presence of the petitioner at the place of occurrence is debatable. The investigation is complete and the challan has been filed. The petitioner is a young boy of 29 years of age and has no criminal record. Therefore, no useful purpose will be served by keeping the petitioner behind bars any further. Without commenting anything on the merits of the case, the petition is allowed and the petitioner, namely, Sumit Sandhu, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

31.07.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No