

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

**CRM-M-19208 of 2020 (O&M)
DATE OF DECISION : 05.08.2020**

Umesh Kumar @ Umesh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in case FIR No. 101 dated 07.06.2019 under Section 379-B/34 IPC (later on Section 379-B IPC deleted and Section 392 IPC and Section 25 of Arms Act added later on), registered at Police Station Division B, District Police Commissionerate Amritsar.

2. As per allegations in the FIR, two persons with muffled faces entered into the house of complainant and took away cash and gold.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been made accused only on the basis of disclosure statement made by co-accused Harjinder Singh. He further contends that co-accused have already been granted the concession of bail vide orders contained at Annexures P-2 to P-4. It is further contended that investigation in the case is already complete and nothing is to be recovered from the petitioner.

4. Notice of motion.

5. Mr. N. K. Banka, DAG, Punjab, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

6. On a query of the Court, learned State counsel does not controvert that all the other accused, some of them who have been attributed with primary role of committing the offence, have been granted the concession of bail by this Court. He also does not controvert that investigation is complete and no further custodial interrogation of the petitioner is required.

7. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is already over. The petitioner is stated to be in custody since 15.06.2019. The trial is not likely to commence or conclude any time soon on account of current pandemic scenario caused by COVID-19. Apart from reasons stated hereinabove, I am of the view that petitioner is entitled to concession of bail on the ground of parity alone.

8. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

August 5th 2020
shalini

(ARUN MONGA)
JUDGE

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