

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

**CRM-M-20016-2020 (O&M)
Date of Decision : 06.08.2020**

Deepak Kumar @ Sherry

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

RAMENDRA JAIN, J. (Oral)

Case has been taken up for hearing through video conferencing.

Through this second petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.0068 dated 18.07.2019, registered under Sections 379-B, 482, 411, 34 IPC, at Police Station Division No.3, District Jalandhar.

According to prosecution, on 18.07.2019, complainant Manav was robbed by two motorcycle riders, who snatching his mobile phone, fled away. However, complainant chased them and identified the petitioner as one of the assailants and also recovered his mobile phone from him. However, petitioner giving him a push, fled away from the spot.

Learned counsel *inter alia* contends that petitioner is in custody since 18.07.2019. Co-accused of the petitioner Lovepreet Bobby has been enlarged on bail. Treating the case of petitioner on the same parity as that of his above-named co-accused, he may be granted the concession of bail. Complainant himself had handed over his mobile phone of which false recovery has been shown from the petitioner. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner any more in jail.

On the other hand, learned State counsel vehemently opposing the grant of regular bail to the petitioner, submitted that petitioner is a habitual offender. Approximately one year prior to the present occurrence, petitioner committed another offence under Section 379 IPC.

Considering the overall facts and circumstances, this Court is of the opinion that the case of petitioner cannot be treated on the same parity as that of his above-named co-accused Lovepreet, who has been granted the benefit of bail, inasmuch as, petitioner has been duly identified by complainant Manav (PW1) in his statement recorded before the Court.

Hence, finding no ground to grant benefit of regular bail to petitioner, this petition stands dismissed.

Dismissed.

(RAMENDRA JAIN)
JUDGE

06.08.2020
mamta

Whether speaking/reasoned

Yes/No