

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

**CRM-M-19848 of 2020
Date of Decision:-23.07.2020**

Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Amit Mehta, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

The matter has been taken up by way of video conferencing.

Petitioner-Raja has filed the present second petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.114 dated 10.08.2019, under Section 379-B IPC, registered at Police Station Navi Baradari, District Jalandhar Commissionerate.

The allegations, which have been contained in the FIR are that a lady, namely, Indu Devi, had informed the police that two young boys, whose age would be around 18/20 years were riding and snatched mobile phone from her and thereafter forcibly pushed and threatened her and after that ran away. The police had arrested two accused, namely, Raja, who is the petitioner in the present petition and other Satya Parkash Kumar @

Sachin Kumar.

Learned counsel for the petitioner has submitted that he had filed a bail application vide CRM-M-51204-2019, which was dismissed as withdrawn at that stage on 15.1.2020. Learned counsel further states that successive bail application is permissible in case there is change of circumstances of a particular case. He has further submitted that in the present case after completion of investigation the challan was presented on 20.12.2019 and charges were framed on 10.1.2020 and after dismissal of the earlier bail application, which was dismissed as withdrawn at that stage, the complainant has already been examined and remaining prosecution witnesses remain to be examined because of on-going Covid-19 epidemic condition in the State of Punjab. He has further submitted that the other co-accused, namely, Satya Parkash Kumar @ Sachin Kumar has since been enlarged on bail on 02.7.2020 by this Court in CRM-M-101-2020 (Annexure P-2) and therefore in view of the above he has made prayer for grant of bail to the petitioner.

On the other hand, learned State counsel has not disputed the factual position with regard to the stage of the trial and stated that the complainant has already been examined after the earlier order of dismissal was passed by this Court in CRM-M-51204-2019. However, learned State counsel has opposed the bail on the ground that the matter involves the stealing and snatching of mobile phone and therefore the petitioner does not deserve the concession of bail. He has further submitted that there is sufficient evidence available against the petitioner and he was also captured in CCTV camera.

I have heard learned counsel for the parties and perused the documents attached with this petition.

The factual position has not been disputed in the present case. The present petition has not been disputed with regard to the custody of the petitioner, which is from 10.08.2019, which is almost 11 months. It is also not disputed that after investigation was complete, the challan was presented on 20.12.2019 and charges were framed on 10.1.2020 and the complainant has already been examined after the dismissal of the earlier bail application. It is also not disputed that there were two accused in the present case and the other accused, namely, Satya Parkash Kumar @ Sachin Kumar has already been enlarged on bail by this Court on 02.7.2020. It is settled law that the successive bail applications are certainly maintainable, however, there has to be a special circumstance or change of circumstances. In the present case the complainant was examined and co-accused has already been granted bail after passing of earlier order of dismissal. Apart from this, the trial also could not be commenced for the remaining prosecution witnesses in view of on-going Covid-19 epidemic in the State of Punjab.

Therefore, taking into consideration the totality of circumstances in the present case, I deem it fit and appropriate to admit the petitioner on bail. Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

However, anything observed hereinabove shall not be treated

as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

July 23, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No