

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

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CRM-M No.20384 of 2020

Date of Decision: September 29th, 2020

Amarjit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.S. Mann, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioners in FIR No.3 dated 05.01.2020 registered under Sections 399, 402, 457, 380, 511, 427, 398, 458 IPC and Section 25 of the Arms Act, 1959 at Police Station Jandiala, Amritsar Rural, District Amritsar.

It is the contention of learned counsel for the petitioners that although the petitioners are shown in the CCTV footage but there has been only an alleged attempt on their part to break open the ATM. He contends that the petitioners were arrested on the date of registration of the FIR i.e. 05.01.2020 and are in jail since then. Out of the 12 cited witnesses, none has been examined till date. The co-accused of the petitioners, who according to the FIR, is the leader of the gang, namely Shamsher Singh @ Sheru has been granted the concession of bail by this Court on 13.08.2020 in CRM-M No.17053 of 2020. Counsel contends that the petitioners be granted the concession of bail as the trial is not likely to proceed or conclude in near future because of the prevailing pandemic.

On the other hand, learned counsel for the State submits that the petitioners have been seen in the CCTV footage. They were arrested at the spot and that the incidents with regard to the breaking open of the ATM are on the

rise and, therefore, the petitioners be not granted the concession of bail.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

It is true that the petitioners are said to be in the CCTV footage and were arrested at the spot, however, apart from the present case, there is no other case against the petitioners. Petitioners are in custody since 05.01.2020 i.e. for more than nine months. The trial is not likely to conclude in near future, especially in the light of the fact that none of the 12 witnesses cited by the prosecution has been examined. In the prevalent circumstances with reference to COVID-19, the possibility of the trial restarting in the near future appears to be bleak and, therefore, the present petition deserves to be allowed, especially when the co-accused of the petitioners namely Shamsher Singh alias Sheru has been granted the concession of bail.

The present petition is allowed.

Petitioners are directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 29th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No