

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 20539 of 2020
Date of Decision: 11.11.2020**

Sahil

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 143 dated 27.5.2020 under Sections 379-B, 34, 411 IPC registered at Police Station Division No. 8, District Police Commissionerate Jalandhar.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the allegations against the petitioner are that, he in connivance with other co-accused, looted Rs. 2400/- from the complainant and snatched his mobile phone and that there is a delay of 13 hours in lodging the present FIR. He further submits that the petitioner has been suffering from HIV and Hepatitis-B.

Learned counsel further submits that the petitioner has been in custody from the last 05 months and 10 days and there is no other case against him.

On the other hand, learned State counsel submits that vide order dated 29.6.2020, the learned Additional District and Sessions Judge, while declining the bail application of the petitioner, has observed that the petitioner has been duly identified by the complainant vide identification memo. However, he has not disputed the fact that the petitioner has been in custody from the last 05 months and 10 days and there is no other case against him. Learned counsel further submits that challan has been presented and the charges are yet to be framed.

As per the custody certificate, the petitioner has been in custody from the last 05 months and 10 days. Challan has been presented in the present case and the charges are yet to be framed. Moreover, there is delay of 13 hours in lodging the present FIR. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

November 11, 2020
Gurpreet

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