

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.M-21031 of 2020

Date of Decision: September 18, 2020

Vinay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.102 dated 08.05.2019, under Sections 379-B, 323 read with Section 34, registered at Police Station, Division No.7, District Ludhiana. The petitioner is in custody since his arrest on 25.07.2019.

The above FIR was registered on the statement of complainant Dinesh Yadav, wherein it was stated that he was running a medical chemist shop at Janakpuri. On 07.05.2019 at about 10.30 p.m., he was going on his Activa bearing registration No.PB 10 GN 4734 to his house and when he reached ahead of Vardhman lights in front of shop of Khadhi Bhandar, three hair cut youngmen came from behind on Pulser motor cycle. They were of weak stature and came along side him and slowed down their motor cycle and put hand in his pocket. When he caught the hand and fell down, they snatched Rs.8000/- from his pocket and due to night, he could not read the number of motor cycle and also could not identify them. He made a call to

his house and got himself medically examined. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the alleged occurrence took place on 7.5.2019, whereby three assailants way laid the complainant and one of them snatched Rs.8000/- from his pocket. According to him, the complainant did not mention the particulars of the assailants and petitioner was indicted as an accused on the basis of the confession suffered by him during custody in FIR No.96 dated 20.06.2019, under Sections 379-B and 201 IPC, Police Station, Division No.2, Ludhiana. According to him, the investigation of the case is complete, but the trial has not progressed despite framing of charges on 29.01.2020. He prays for grant of regular bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Sukhwinder Singh, has opposed the prayer. However, it is not disputed that no prosecution witness has been examined so far. He, on instructions, states that the petitioner is involved in the other cases of similar cases as well, including FIR No.96 dated 20.06.2019, under Sections 379-B and 201 IPC, Police Station, Division No.2, Ludhiana and FIR No.103 dated 24.06.2019, under Sections 379-B and 201 IPC, Police Station, Division No.2, Ludhiana

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 25.07.2019, is

presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

The petition is allowed.

September 18, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No