

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

107

CRM-M-21615 of 2020 (O&M)
Date of decision:6.8.2020

Vijay Kumar

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.A.P.S.Pakka, Advocate,
for the petitioner
Mr.S.S.Deol, DAG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

This is the second petition filed by the petitioner, by which he seeks the concession of 'regular bail', upon FIR no.136, dated 4.8.2019, having been registered against him at Police Station Kotwali, Bathinda, alleging therein the commission of an offence punishable under Section 379-B of the IPC.

The first petition (CRM-M-44331 of 2019) had been dismissed on 23.10.2019 by this court, with the following order passed:-

“By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petition seeks the concession of 'regular bail'.

As per the instructions of the learned State counsel, the

complainant had identified the petitioner before the police, with the *challan* having been presented to the trial court.

Consequently, without making any comment on the actual merits of the case, for or against the petitioner, this petition is dismissed at this stage.”

Today, however, learned counsel for the petitioner points to the testimony of the complainant, Sudesh Bansal (PW-1 before the trial court), dated 16.3.2020, in which she stated that she had never seen the petitioner earlier. She was eventually therefore declared to be hostile and cross-examined by the learned Additional Public Prosecutor.

Learned counsel for the petitioner submits that there is no other criminal case registered against the petitioner, with him now having been in custody for about one year.

Upon query to learned State counsel, though he obviously could not deny the testimony of the complainant as has been annexed as Annexure P-7 with the petition, he submits that the recovery of the mobile phone snatched from the complainant was in fact made from the petitioner.

On further query, he again however could not deny either the period of custody of the petitioner or the fact that there is no other criminal case registered against him.

Upon further query, he submits that there are 6 more prosecution witnesses still to be examined.

Considering all the aforesaid factors, without making any comment on the actual merits of the case, the petition is allowed. The petitioner is ordered to be admitted to bail upon him furnishing adequate

bail bonds and surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

6.8.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No