

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

**CRM-M-21942 of 2020(O&M)
DATE OF DECISION : 29.10.2020**

Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naveen Bawa, Advocate,
For the petitioner.

Mr. P.S. Walia, AAG Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.117 dated 05.07.2016, which was initially registered under Sections 382 read with Section 34 of IPC, at Police Station Sadar, Ludhiana. Lateron, offences were converted to Section 397 of IPC read with Sections 25, 54 and 59 of Arms Act.
2. Per FIR, on 05.07.2016 one unknown person rammed his motor cycle into the car of complainant Jagdeep Singh. When nephew of complainant came out of car, then two persons snatched the car on gun point. In the process the assailants also fired in the air.
3. Learned counsel submits that petitioner was not named in the FIR and even no test identification parade had been conducted. According to him, petitioner is in custody since 10.07.2017. His co-accused Manjinder Singh, against whom there were allegations of snatching the car, has been released on bail by this Court vide order dated 28.02.2019 passed in CRM-

M-4209 of 2019. Counsel argues that the petitioner is on better footing than co-accused vis-a-vis respective roles attributed them. Even otherwise, on the ground of parity alone, the petitioner is entitled to the same relief. He further submits that no useful purpose would be served by keeping the petitioner in preventive custody any more as presently trial is held up due to Covid-19 pandemic. According to him, there was no headway at the trial even prior to that.

4. Learned State counsel, on the other hand, opposes the bail plea. He, inter alia, argues that the petitioner is involved in number of cases and he is a habitual offender and does not deserve any concession of bail. He, however, admits that the trial is still to commence and that the petitioner is in custody for the last about 3 years and 3 months.

5. The petitioner is in custody since 10.07.2017. His co-accused have been granted the benefit of regular bail. Co-accused Manjinder Singh, who has been granted regular bail by this Court, was also involved in other cases. On the ground of parity alone, the petitioner is entitled to the same relief. He is in custody for more than 3 years and there is no headway in the trial, which is presently held up due to Covid-19 pandemic and there is no likelihood of resumption or conclusion thereof anytime soon. Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters. No useful purpose would be served by keeping him in preventive custody any further.

6. Taking wholesome view of the matter, but without expressing any opinion on the merits of the case, at this juncture, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the

case may be. It is made clear that if while on bail, the petitioner is found involved in any other case, the prosecution shall be at liberty to seek cancellation of bail granted to him in this case.

7. Petition stands allowed accordingly.

OCTOBER 29, 2020

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(ARUN MONGA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No