

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

**CRM-M-22563 of 2020 (O&M)
DATE OF DECISION : 19.08.2020**

Prince Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Tribhawan Singla, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 122 dated 04.05.2020, registered under Sections 379-B, 411, 379 read with Section 34 IPC, Police Station Moti Nagar, Ludhiana.

2. Per FIR, on 04.05.2020, at around 3:00 p.m., three unidentified persons on a motor cycle snatched mobile phone from the complainant Pankaj, by placing "datars" on his neck carried by two of them. The matter was reported to the police. The mobile phone hand set was recovered from co-accused Gurmeet Singh, while two datars were recovered, one each from present petitioner and co-accused. Basis thereof, they were arrested.

3. Learned counsel submits that the petitioner is in custody since 04.05.2020. According to him, the petitioner is a young boy of 19 years and having no other criminal antecedents. He further submits that investigation is over, challan has been filed, but there is no headway in the trial and especially in the pandemic scenario, there is no likelihood of trial being commenced or

concluded any time soon and no useful purpose would be served by detaining him in custody any further.

4. On the other hand, learned State counsel opposes the bail plea. He submits that petitioner is a resident of Bihar and if he is enlarged on bail, there is every apprehension of his fleeing to avoid trial. On a query of the Court, he admits that investigation is over and challan has been presented on 09.07.2020. He did not dispute that as per instructions received from ASI Surinder Singh, no criminal antecedents are found qua the petitioner, who is in custody since 04.05.2020 and that there is not much progress in the trial.

5. The petitioner is in custody since 04.05.2020. Though investigation is over and challan has been present, but there is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic, as a result of which Courts are working with restrictions and taking up only urgent matters. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and local surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

August 19th 2020
Jiten

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