

CRM-M-23020-2020 (O&M)

Date of decision: 21.08.2020

Gursewak Singh @ Sewak

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. A.S. Sandhu, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of the official respondent-State. Copy supplied during the course of the day.

Petitioner/accused-Gursewak Singh @ Sewak, in this case bearing FIR No.02 dated 02.01.2020 under Section 379-B of the Indian Penal Code (Sections 411 and 201 of the IPC added later on) registered at Police Station City Faridkot District Faridkot, has sought regular bail under Section 439 Cr.P.C.

The present case was got registered on the complaint of

Sukhdev Singh official of M/s Bharat Finance Limited Company, where he alleged that on 02.01.2020, he along with his colleague Baldev Singh, were coming on the motorcycle and after making collections, they were waylaid and approximately Rs.1,30,000/- was snatched by the unidentified assailants. It is subsequently, during investigation, come to light that the complainant in connivance with his co-accused including the present petitioner, were instrumental in faking this robbery.

Learned counsel for the petitioner *inter alia* contends that similarly placed co-accused, namely, Hardev Singh @ Manta, Harpreet Singh @ Happy and Nripreet Singh @ Anny have been allowed regular bail by this Court vide orders dated 21.07.2020 and 30.07.2020, respectively and that the petitioner is behind the bars for more than seven months.

The learned State counsel though does not dispute the facts but has strongly opposed the grant of bail on the grounds that if allowed bail, the petitioner might influence the witnesses and stifle the trial.

Be so as it may, keeping in view the period of incarceration of more than 07 months, the fact that in the present pandemic of COVID-19, the trial is not likely to be concluded in the near future together with the principle of parity, impels this Court to allow the present petition.

In light of the same, this Court is of the opinion that no

useful purpose will be served by keeping the petitioner in custody in the present case. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

21.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No