

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

**CRM-M-23611 of 2020 (O & M)
Date of Decision:-24.08.2020**

Manjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Hittan Nehra, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.103 dated 18.07.2019, under Sections 379-B, 34 IPC (Section 411 IPC added later on), registered at Police Station Satnampura, District Kapurthala.

Learned counsel for the petitioner has submitted that in the present case no one was named in the FIR but later on, on the basis of investigation, the police had nominated three accused, namely, Manjinder Singh (petitioner), Gurjeet Singh @ Gagga @ Jagga and Karan Pal Singh @ Karan. Learned counsel for the petitioner has submitted that the petitioner is in custody since 22.7.2019 and after completion of the investigation the challan had already been presented in the trial Court. However, the charges

have not been framed because of on-going Covid-19 epidemic in the State of Punjab. He has further submitted that the petitioner is innocent and there is no other case against the petitioner as of today. Learned counsel for the petitioner has further relied upon the order of bail granted by co-ordinate Bench of this Court to the co-accused, namely, Karan Pal Singh @ Karan in CRM-M-51504 of 2019, decided on 31.7.2020. He has further submitted that in the said order itself it has been stated that the third co-accused, namely, Gurjeet Singh @ Gagga @ Jagga was also released on bail by the learned trial Court on 06.9.2019. He, therefore, submits that in this way both the other co-accused have been admitted on bail.

Learned State counsel has submitted that it is correct that after completion of the investigation the challan had already been submitted and the charges have not been framed as of now. It is also correct that the petitioner is in custody from more than one year i.e. from 22.7.2019. He has also relied upon the custody certificate to state that it is also correct that there is no other case against the petitioner. However, he has opposed the prayer for grant of bail to the petitioner on the ground that it is a case of theft of motor-cycle and therefore the petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties through video conferencing.

The custody period of the petitioner is not in dispute. It is also not disputed that the investigation of the case is already completed and challan had already been filed in the competent Court. It is also not in dispute that there is no other case against the petitioner. Learned counsel

for the petitioner has also relied upon the bail granted to other two co-accused in this regard.

Therefore, considering the totality of circumstances of the case, I deem it fit and appropriate to admit the petitioner on bail. Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

August 24, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No