

CRM-M-26722-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-26722-2020

Date of Decision: September 11th, 2020

Ajay Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0093, dated 07.04.2020, registered at Police Station Division 6, District Ludhiana, under Sections 379-B and 411 of the Indian Penal Code.

Custody certificate of the petitioner in the form of an affidavit of the Deputy Superintendent, Central Prison, Ludhiana, dated 11.09.2020, received through email, is taken on record.

It is the contention of the learned counsel for the petitioner that the petitioner has been roped in because of the alleged footage of CCTV depicting petitioner along with co-accused on a motor-cycle passing by. It is contended that actual act of snatching of Rs.10,500/- from the

complainant by brandishing a sickle during curfew period, has not been captured in the CCTV footage. Merely because two persons, who have muffled faces, are seen in a footage, cannot be said to be that of the petitioner and the co-accused. He asserts that the petitioner had been arrested on 12.04.2020 and is in custody since then. Challan stands presented but the charge till date has not been framed. Because of the prevailing circumstance, the trial is not likely to conclude in near future and there is no other case against the petitioner. He, thus, prays that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State asserts that the petitioner and the co-accused have been duly identified by the complainant. His further submission is that the petitioner and co-accused have threatened the complainant with a sickle and snatched Rs.10,500/-, which he was carrying after delivering the gas cylinders. He asserts that the petitioner does not deserve the concession of bail, however, the other factual assertions which have been made by the counsel for the petitioner could not be denied by him.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the petitioner has been in custody for two days short of five months, with the challan having been presented and trial not likely to proceed because of the prevailing pandemic, with no other case being registered against the petitioner, this criminal miscellaneous petition is allowed.

Petitioner is directed to be released on bail subject to his

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furnishing bail and surety bonds to the satisfaction of the trial Court/Chief
Judicial Magistrate/Duty Magistrate, Ludhiana.

Any observation made herein-above shall have no bearing on
the merits of the case during the trial in any manner.

September 11th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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