

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

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CRM-M No.28112 of 2020

Date of Decision: September 22nd, 2020

Sandeep Singh @ Rimpa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manoj Kumar, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.65 dated 05.08.2019 registered under Sections 379-B and 411 IPC at Police Station Nurmahal, District Jalandhar.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the case. It is asserted that the petitioner was in custody in some other matter, when he was taken on police remand and the present case was foisted on him. Recovery of ₹500/- has been shown from the petitioner and out of the 18 witnesses cited, only five witnesses have been examined. The trial is not likely to conclude in near future, especially in the light of the prevailing circumstances and, therefore, the petitioner be granted the concession of bail as in most of the cases, which have been registered against the petitioner, he is either acquitted or released on bail. Assertion has been made that in the present case, the petitioner has been alleged to have been involved on the basis of statement of the co-accused, which is inadmissible, thus, the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State, submits that there are 36 cases under various provisions of the Indian Penal Code registered against the petitioner, in some of the cases, he has been acquitted and the others are pending against him. Petitioner has been nominated by the co-accused and recovery also has been effected and, therefore, the involvement of the petitioner is established. Petitioner be not granted the concession of bail keeping in view his conduct.

I have considered the submissions made by the counsel for the parties.

The petitioner is in custody since 19.10.2019 i.e. for almost one year, with only five witnesses out of the 18 prosecution witnesses examined and the trial is not likely to proceed in near future because of the prevailing circumstances as the Courts are working in restrictive mode. Petitioner has been involved in the present case on the basis of the nomination by a co-accused and there is recovery of ₹500/- from him. Keeping in view the facts and circumstances of the present case, especially the custody period, with the trial not likely to proceed in near future because of the prevailing COVID-19 pandemic, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 22nd, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No