

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29388 of 2020
Date of decision:12.11.2020

Rajesh Kumar and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioners.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioners are seeking regular bail in FIR No.246 dated 14.08.2020 (Annexure P-1) registered under Sections 379-B and 406 of Indian Penal Code, 1860 (Section 411 IPC was added later on) at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioners has argued that the petitioners have been involved in a false case. According to him, the alleged incident of snatching of ATM Card from one Ram Klash took place on 05.08.2020 but no complaint was lodged by the victim. The present FIR has been registered on the basis of a secret information which casts a doubt over the story set up by the prosecution. His contention is that the petitioners are

being roped in, on the basis of a disclosure statement of a co-accused which is inadmissible in evidence. According to the counsel, the petitioners are not the previous convicts and they have clean antecedents.

Per contra, State counsel upon instructions from SI Kulwant Singh, has opposed the petition. He has instructions to state that the matter is still under investigation and the challan is yet to be presented.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, nature of allegations, the gravity of offence and the fact that trial is likely to consume time due to spread of contagion, no purpose would be served by keeping the petitioners behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

November 12, 2020
savita

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes/No