

213

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

**CRM-M No.32412 of 2020
Date of Decision: 04.11.2020**

KAMALJEET SINGH ALIAS KAMAL
.....Petitioner

Vs
STATE OF PUNJAB
.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.167 dated 04.12.2019, registered under Section 379-B IPC 1860 (later on changed to Sections 395, 120-B IPC 1860) at Police Station Mahilpur, Distt. Hoshiarpur.

As per prosecution case, the occurrence took place on 03.12.2019 at about 10:00 P.M., when the complainant Jagvinder Singh along with family of Harjot Singh went in a

marriage function in Creta car. After attending the function when they were returning, they went to Nanaksar Gurdawara at Jagraon to pay obeisance. After paying obeisance, they were returning to Mahilpur via Phagwara. When they reached near petrol pump of village Thuhana, one Cruise car suddenly came from behind and stopped in front of the vehicle of the complainant. 5-6 unidentified persons were sitting in the said car with muffled faces. After coming out of the car, they surrounded the car of the complainant. Four young boys came out of the Cruise car and by showing some weapon, they gave threats of firing. They asked the complainant and others to come out of the car. Three assailants snatched the car and ran away towards Mahilpur side and remaining one assailant along with his two accomplices ran away in their Cruise car towards Kot Fatuhi Phagwara.

Learned counsel for the petitioner submitted that the accused/assailants were with muffled faces and were not identified. The alleged identification of the accused in the Police custody was not in consonance with the requirements of law as per Section 54-A Cr.P.C. read with Section 9 of the Evidence Act. Co-accused Gurleenjot Singh @ Ghorha has been granted regular bail by this Court vide order dated 13.07.2020 passed in CRM-M No.15540 of 2020. Learned counsel seeks parity with

the aforesaid accused.

Learned counsel further submitted that the parity has not been appreciated by the Addl. Sessions Judge, Hoshiarpur despite the fact that the order granting regular bail by this Court to the co-accused was brought before the Court. Creta Car was recovered and vide Rapat No.27 dated 23.04.2020 offence under Section 395 IPC was added.

On the other hand, learned State counsel submitted that challan has not been presented against the petitioner. Learned State counsel could not dispute the grant of regular bail to the co-accused Gurleenjot Singh @ Ghorha on the basis of *prima facie* consideration of the prosecution case. Petitioner is in custody since 18.08.2020. Due to the situation arising out of COVID-19 pandemic, there are remote chances of culmination of the trial in near future.

In view of aforesaid facts and the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 04, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No