

210

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.35057 of 2020 (O&M)
Decided on: 05.11.2020

Deepak Kumar @ Tinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.26 dated 06.03.2018 registered under Sections 379-B, 411, 34 IPC at Police Station Islamabad, District Amritsar.

Counsel for the petitioner relies upon the order dated 05.03.2020, passed in CRM-M No.49611 of 2020, vide which the co-accused of the petitioner namely Rahul @ Lallu has been granted the concession of regular bail. The operative part of the said order reads under:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, the complainant was walking on feet and when he reached near the cantonment area, while going towards Islamabad, three young persons namely Tida, Lallu and Deepu came from the backside and co-accused Tida forcibly snatched his mobile phone and two other persons snatched Rs.3,500/- from his pocket. It is further stated that the complainant knew all of them, as they used to sell socks at railway station and they are

CASE HEARD THROUGH VIDEO CONFERENCING

residing in slum area.

Learned counsel for the petitioner further submits that in fact, it is a dispute regarding money between the parties, which is converted into a case of snatching. It is further submitted that the petitioner is in custody since 29.09.2019 and is not involved in any other case.

Learned State counsel, on instructions from ASI Satinder Singh, submits that challan stands presented.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 29.09.2019; he is first offender and the complainant has stated that he knew all the three accused persons, who have snatched the mobile phone and the amount, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.”

Counsel for the petitioner has further submitted that the allegations against the petitioner – Deepak Kumar @ Tinda are identical in nature as the complainant knew all the accused persons and there was a money dispute, which has been converted into a criminal case.

Counsel for the State could not disputed the factual position but opposed the prayer for bail. It is also submitted that as per the Custody Certificate, the petitioner is in judicial custody for the last 01 year and 01 month, however, he is involved in one more case in which he is on bail.

After hearing the counsel for the parties, considering the fact that the petitioner is in custody for the last more than 01 year; the custodial interrogation of the petitioner is not required; the co-accused

CASE HEARD THROUGH VIDEO CONFERENCING

of the petitioner namely Rahul @ Lallu has already been released on regular bail and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.11.2020
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No