

CRM-M-36997-2020 (O & M)

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

**CRM-M-36997-2020 (O & M)
Date of decision: 01.12.2020**

Mandeep Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S.Sidhu, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-29242-2020

Allowed as prayed for. Annexures A-1 to A-3 are taken on record, subject to all just exceptions.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No. 175 dated 17.08.2020, registered under Sections 341, 307, 395, 397, 379-B IPC and Sections 411 and 412 IPC(added subsequently), at Police Station Canal Colony, District Bathinda.

As per the prosecution version, on 15.08.2020, the complainant along with her brother Navdeep Singh was encircled by three persons, who had inflicted injuries upon them and had snatched the purse of the complainant containing one mobile I-phone, one Samsung mobile,

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aadhar card, one ATM, currency notes of about Rs.2,000/-, pair of gold topas of about 2 gram and one scooty.

Learned counsel for the petitioner submits that the petitioner, who is holding a degree in the business of administration (MBA), has falsely been implicated in the present case. He further contends that initially, the FIR was registered against some unknown persons, but later on, the petitioner was indicted in the present case, and there is nothing on file to connect the petitioner with the alleged offence. He further submits that on the very same day i.e. on 17.08.2020, statement of Navdeep Singh, the alleged driver of the scooty, was recorded under Section 161 Cr.P.C., wherein he had specifically named five persons. He further contends that father of the petitioner had already disowned Sandeep Kumar, brother of the petitioner, on 19.06.2012 as he was out of his saying. He further contends that there is a delay of 02 days in getting the FIR registered; that there is no similar case pending or registered against the petitioner, and that the petitioner has been in custody since 17.08.2020.

Learned State counsel opposes the prayer made in the present petition. However, he concedes that investigation is complete and challan has been presented.

I have heard the learned counsel for the parties.

The petitioner, who is an MBA pass-out, has not been named in the FIR. There is a delay of 02 days in getting the present FIR registered. The petitioner alongwith four other co-accused has been indicted in the present case on the statement of one of the victims namely Navdeep Singh.

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The petitioner has been in custody since 17.08.2020. There is no other case pending or registered against the petitioner. The trial would take time to conclude, especially due to prevailing situation of Covid-19. Moreover, similarly situated co-accused, Vijay Kumar has since been released on bail by this Court, vide order dated 24.11.2020 passed in CRM-M-37967-2020. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

01.12.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No