

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

CRM-M-37967-2020(O&M)

Date of decision: 24.11.2020

Vijay 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.

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 175 dated 17.08.2020 registered under Sections 341, 307, 395, 397, 379-B IPC (later on Sections 411 and 412 IPC were added later on) at Police Station Canal Colony, District Bathinda.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. Initially, the FIR was registered against unknown persons and later on, name of the petitioner was indicted in the present case. There is nothing on file to connect the petitioner with the alleged offence. In the FIR, it has been stated that the complainant along with her brother Navdeep Singh was encircled by three persons, who inflicted injuries to them and snatched the purse of the complainant containing one mobile I-phone, one mobile phone of Samsung company, aadhar card, one ATM, currency notes of about Rs. 2,000/-, pair of gold topas

of about 2 gram and one scooty.

He further submits that on the very same day i.e. on 17.08.2020, statement of Navdeep Singh was recorded under Section 161 Cr.P.C., who was alleged to be driver of the scooty, wherein he specifically named 5 persons. The petitioner had already disowned his elder son Sandeep Kumar on 19.06.2012 as he was out of his saying. The petitioner is a diabetic patient and is running a *kiryana* shop. There is no similar case pending or decided against the petitioner. The petitioner has been in custody since 17.08.2020.

Copy of custody certificate by way of affidavit dated 23.11.2020 of the Deputy Superintendent, Central Jail, Bathinda, submitted by the learned State counsel through email, is taken on record and opposes the bail application. Challan stands presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.08.2020. The petitioner is 56 years old a diabetic patient. The trial will take time to conclude, especially due to prevailing situation of Covid-19. 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 petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

24.11.2020
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No