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

**CRM-M-38766-2020
Date of Decision: 04.12.2020**

Rajnish Kumar @ Preet Phagwara

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Divjyot S.Sandhu, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. by the petitioner, seeking regular bail in case FIR No.201 dated 05.11.2018, under Sections 307, 353, 427, 212, 216 and 34 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Islamabad, Amritsar, District Amritsar.

2. Basic allegation against the petitioner is that he had provided the arms to the actual culprits, namely Amanpreet Singh @ Rinka and Rohit Sharma, who had allegedly fired at the Police Party.

3. Co-accused, namely Rohit Sharma, was granted regular bail by a Co-ordinate Bench of this Court, long ago on 04.12.2019 in CRM-M-22593-2019. Thereafter, other co-accused, namely Amanpreet Singh @ Rinka, was granted regular bail by this Court on 03.03.2020 in CRM-M-392-2020.

4. From the Custody Certificate sent up through e-mail on behalf of Ld. State Counsel, it transpires that the petitioner has remained in detention in the present case for more than two years, since 22.11.2018, and the trial in the case is not proceeding in the normal course due to prevailing Covid-19 pandemic.

5. It has been already noted by this Court in the bail order passed in favour of co-accused Amanpreet Singh @ Rinka that all the prosecution witnesses sought to be examined in the case are Police personnel and as such, there is no chance of the petitioner to threaten or intimidate them.

6. The bail prayer of the petitioner is nevertheless opposed on behalf of the State by drawing attention of the Court to involvement of the petitioner in several other criminal cases under various provisions of the Indian Penal Code, the Arms Act, the Narcotic Drugs and Psychotropic Substances Act as well as the Prison Act to emphasize that the petitioner appears to be a hard core criminal.

7. On careful perusal of the said Custody Certificate of the petitioner, it transpires that he has been acquitted in three cases, out of the several cases in which he was implicated.

8. On 27.11.2020, this Court had specifically granted time to the State to ascertain whether there is any record of the petitioner's conviction in any case for which he is or was made to face trial. The answer to such query transpires to be 'no'.

9. As such, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own substantial

time, particularly on account of the ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

10. Disposed off.

04.12.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No