

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

CRM-M-38653-2020(O&M)

Date of decision : 26.11.2020

Sahil Masih @ Rahul

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.165 dated 19.09.2020 under Sections 399, 402 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner would contend that the only allegation in the FIR is that the police had a secret information that the accused in the FIR were planning to commit a theft, whereas there was no allegation regarding any theft actually having been committed. It is further the contention of learned counsel for the petitioner that when he was apprehended, a car bearing number PB-08U-0064 was recovered from his possession along with a Kirpan. There is no other role which has been

attributed to the petitioner. He would further contend that there is no other case pending against him.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, on instructions from ASI Jassa Singh, is not in a position to deny that there is no role which has been attributed to the petitioner and in fact even in the FIR there is no allegation of any theft having been actually committed. There was only a secret information that the theft was likely to be committed.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

26.11.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO