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

CRM-M No.39635 of 2020(O&M)

Date of Decision: 03.12.2020

Jaskaran Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Randeep S. Khaira, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.151 dated 22.07.2020 registered under Sections 379-B, 411, 34 IPC at Police Station Mohkampura, District Amritsar.

The FIR was registered on the basis of secret information. The registration of the FIR is on the pattern of recording the same like in NDPS cases. The alleged offences are under Sections 379-B, 411, 34 IPC. One mobile has been recovered from the petitioner. One Gagan Arora was joined in the investigation who has claimed the said mobile of his own after identifying the same.

Evidently, Gagan Arora has not come forward for lodging any FIR in respect of any such theft. Recipient of booty subject matter of theft would remain debatable so as to attract offence under Section 411 IPC.

The factual position of the case could not be disputed by the learned State counsel except to allege that one Gagan Arora has joined the investigation and has identified the mobile recovered from the petitioner.

Petitioner is in custody since 22.07.2020. Co-accused Gurpreet Singh @ Sonu has been granted regular bail by this Court vide order dated 27.10.2020 passed in CRM-M No.32995 of 2020. Challan has been presented, but charges have not been framed so far.

Owing to the aforesaid position, the complicity of the petitioner would remain debatable.

At this stage, without adverting to the merits of the case and keeping in view the situation arising out of pandemic Covid-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

03.12.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No