

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

CRM-M-40050-2020

Date of Decision: 08.12.2020

Rakesh Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.47 dated 02.03.2019 registered under Sections 325/326/341/307/148/149/120-B IPC, 1860 and (Sections 420/419/467/468/471 IPC added later on), at Police Station Division No.6, District Police Commissionerate Ludhiana. The petitioner is in custody since his arrest on 27.10.2020.

The FIR was registered on the statement of Sushil Kumar Goel, wherein it was alleged that he used to work as Clerk (Munshi) with Advocate Kulwinder Singh, Bar Room No.1002 in the Courts. On 02.03.2019, when he alongwith his friend Ishwar Singh, on his Activa scooter reached at the office of ADCP-2, Sherpur with regard to a complaint moved by him, there, the opposite party Gaurav Handa and Deepak Kumar were also present. After attending the office for some time, when they both were returning and reached at some distance ahead from Dada Motor, then six persons on three motor-cycles encircled them, who were armed with kirpan, datar, baseball bat

and other sharp edged weapons and gave beatings to the complainant. On raising noise, when the people started gathering there, the accused persons fled away with their respective weapons.

Learned counsel for the petitioner contends that originally the FIR was registered for commission of offences against human body and in the said occurrence, the petitioner was not involved. He has submitted that subsequently after a year and seven months, the offences punishable under Sections 420/419/467/468/471 IPC were added. According to him, the accused involved in the original occurrence, had used the SIM cards, which were found to have been issued on the basis of fake documents. Learned counsel has argued that the petitioner is only a retailer and sold the SIM connections after verifying the documents of the consumer. He submits that the similarly situated co-accused have already been released on bail and, therefore, the further custody of the petitioner may not be necessary, as the investigation is complete. He prays for grant of bail.

On the other hand, learned State counsel, who is assisted by ASI Lakhbir Singh, has opposed the prayer, however, he does not dispute this fact that the petitioner has been indicted as an accused on the basis of the newly added offences. He further submits that the investigation of the case is complete.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody

since 27.10.2020, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Ludhiana.

The petition is allowed.

08.12.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No