

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

**CRM-M No.40856 of 2020
Date of Decision:11.12.2020**

DEEPAK SAINI

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanjeev K. Virk, Advocate
 for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificated filed by the State by way of affidavit of
Deputy Superintendent of Jail, Kapurthala through email is taken on record.

The petitioner has filed this petition under Section 439 of
Cr.P.C. for grant of regular bail in case FIR No.143 dated 27.05.2020,
under Sections 379-B and 34 IPC, registered at Police Station Division
No.8, Jalandhar.

Learned counsel for the petitioner contends that there is a delay
of 13 hours in lodging the above-noted FIR; that the petitioner was not
named in the FIR; that co-accused, namely, Karan Kumar and Sahil, have
already been released on regular bail by this Court, vide order dated

11.11.2020 passed in CRM-M-17024-2020 and CRM-M-20539-2020, and that the petitioner has been in custody for the last more than 06 months.

On the other hand, learned State counsel submits that an amount of Rs.800/- and a datar used in the crime had been recovered from the petitioner and moreover, the petitioner had been duly identified by the complainant, vide identification memo dated 27.05.2020.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 28.05.2020. Challan has already been presented. Trial of the case would take time to conclude because of Covid-19 pandemic. Moreover, co-accused, namely, Karan Kumar and Sahil have already been released on regular bail by this Court. Therefore, 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 present 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

December 11, 2020

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No