

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

CRM-M-41308-2020 (O&M)

Date of decision: 14.12.2020

Gurpreet Pal

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 393 dated 20.10.2020 registered under Sections 461, 380, 457 and 427 IPC and later on added Sections 411 and 482 IPC at Police Station Zirakpur, District SAS Nagar (Mohali).

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. It is a case of an unsuccessful robbery and no loss has been caused to the government exchequer. The petitioner was not named in the FIR, but was indicted on the basis of statement of the co-accused, who was arrested at the spot. The petitioner has been in custody for the last 1 month and 13 days and there is no other case

registered or pending against him.

Copy of custody certificate by way of affidavit dated 13.12.2020 of the Deputy Superintendent, Central Jail, Rupnagar, submitted by the learned State counsel through email, is taken on record.

Learned State counsel has not disputed the fact regarding the custody period of the petitioner. He submits that though the ATM machine was taken away by the petitioner and co-accused, yet the same could not be opened and the money was intact.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 1 month and 13 days and it was a case of unsuccessful robbery. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, 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 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

14.12.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No