

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

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**CRM-M-42490-2020 (O&M)
Date of decision : 22.12.2020.**

Arshdeep Singh @ Nirmaljit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Nishan Singh Chahal, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.66 dated 03.09.2020 under Section 382 of the Indian Penal Code, 1860 ('IPC' for short) (Sections 379-B and Section 325 IPC were added later on) registered at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner would contend that the injury attracting Section 325 IPC has been attributed to the co-accused who has since been granted regular bail by this Court in CRM-M-38577 of 2020 vide order dated 27.11.2020. Learned counsel for the petitioner would further contend that no injury has been attributed to the petitioner in the present case. It is further contended that the petitioner was arrested on 03.09.2020 and the investigation in the case is complete and the challan already stands presented. Learned counsel would further contend that the only reason for declining bail to the petitioner was that currency notes of 1500, receipt book and adhaar card was recovered from an

almirah lying in the house of the petitioner.

Learned State counsel, on instructions from ASI Kala Singh, is not in a position to dispute that the co-accused has since been granted bail by this Court vide order dated 27.11.2020 in CRM-M-38577 of 2020. Further, learned State counsel has stated that injury attracting Section 325 IPC has been attributed to the co-accused, who has since been granted bail. It is further stated that there is no other case pending against the petitioner.

Without commenting on the merits of the case and keeping in view the fact that co-accused has since been granted bail by this Court as also the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

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. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

December 22, 2020
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No