

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

223

**CRM-M-51752-2019
Date of decision: 08.01.2020**

Ashish Sandhu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. J.S. Thakur, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the present (first) petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.120 dated 10.06.2019 registered under Sections 379-B, 323, 452 read with Section 34 of the Indian Penal Code, 1860 (for short, “the IPC”) at Police Station Rama Mandi, District Jalandhar.

The petitioner Ashish Sandhu, along with his co-accused, has been charge-sheeted by SHO, Police Station Rama Mandi, District Jalandhar for alleged commission of offences punishable under Sections 452, 323, 379-B read with Section 34 of the IPC on the allegations that the petitioner alongwith his co-accused armed with deadly weapons had trespassed into the office of the E-Conroe Courier Company, abused and inflicted blow with iron rod on left hand of complainant Amandeep, Dealing Assistant in the presence of supervisor Sukhpreet Singh and snatched amount of Rs. 2,93,000/- and their mobile phones.

Learned State counsel has appeared and opposed the bail application by filing written reply.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. The petitioner was not named in the FIR and was implicated and arrested on the basis of confessional statement of co-accused Paramjit Singh alias Prince Baba. He was not involved in the alleged occurrence. The petitioner is in custody since 05.08.2019. The petitioner is not involved in any other case. The trial is likely to take long time. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has submitted that the offences attributed to the petitioner are of serious nature. Amount of Rs.15,000/- was recovered from the petitioner. The petitioner does not deserve the concession of regular bail.

However, learned State counsel has conceded that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case, particularly that involvement of the petitioner in the alleged occurrence is disputed, he is not involved in any other case, the trial is likely to take long time, his presence during trial can be secured otherwise also than only by his detention in custody which will not serve any purpose and that similarly placed co-accused Nav Ketan has been granted bail by this Court vide order dated 06.12.2019 but without expressing any opinion on merits of the case, I am of the considered view that the

petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case of commission of any offence of similar nature by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

08.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No