

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

CRM-M-3973-2021

Date of decision:02.03.2021

Deepak Sharma

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Karandeep Singh, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Custody certificate by way of an affidavit dated 02.03.2021 of Deputy Superintendent, Central Jail, Ambala, filed 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 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 neither named in the FIR nor he was arrested at the spot. The petitioner has been in custody since 31.10.2020 and he has also been involved in one another FIR. It is further stated that co-accused Gurpreet Pal has already been granted regular bail by this Court vide order dated

14.12.2020 (Annexure P-2).

Learned State counsel does not dispute the custody period of the petitioner and the fact that he has also been involved in one another FIR. He further submits that though the ATM machine was taken away by the petitioner and the 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 since 31.10.2020 and it was a case of unsuccessful robbery. The trial will take time to conclude. 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.

02.03.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No