

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

CRM-M-7878-2021

Date of Decision: 06.04.2021

Shubham

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Mr. Rahul Sharma, Advocate,
for the petitioner.

Mr. M.K. Taya, AAG Haryana.

ARUN MONGA, J. (ORAL)

1. Through this second bail application, petitioner is seeking regular bail in FIR No. 375 dated 08.07.2020, registered under Sections 379-A and 411 IPC, Police Station Sector-5, Panchkula, having got the earlier petition(CRM-M-34647 of 2020)dismissed as withdrawn on 03.11.2020.

2. Per prosecution, on 08.07.2020 in the evening around 8:20 p.m., complainant Manisha was returning to her house after finishing work. On the way, two unknown persons came on a motor cycle and snatched away her purse containing Rs.2,000/-, I Phone charger and earphones.

3. During investigation, pursuant to custodial statement made by Jatinder Singh in another FIR No.378 dated 10.07.2020, registered under Section 25 of Arms Act, Police Station Sector-5 Panchkula, about committing of offence along with Shubham(petitioner)in the present FIR,

petitioner was arrested on 28.07.2020 and part of the looted property was recovered.

4. Learned counsel for the petitioner submits that there is no direct evidence against the petitioner. He has been implicated in this case on the basis of custodial statement of co-accused, which is not legally admissible in evidence and carries no sanctity. He further submits that petitioner is in custody since 28.07.2020, investigation is already over, but there is no headway in the trial due to scenario that has arisen due to current pandemic. He further submits that complainant in her testimony has not supported the prosecution case and has not even identified the present petitioner.

5. On antecedents of the petitioner, learned counsel submits that the petitioner is not involved in any other case and he is just 24 years old and suffering inordinate incarceration. .

6. Per contra, learned State counsel opposes the bail plea. According to him, there is every apprehension that petitioner would again indulge in similar offence, if released on bail.

7. I have heard the rival contentions of the respective learned counsels.

8. The contentions of learned counsel for petitioner, as noted aforesaid, may have substance but same can only be adjudged at the trial. Concededly, involvement of the petitioner has been revealed pursuant to the custodial disclosure of the co-accused. Since investigation is already over, charges have been framed and the case before the trial court is now fixed for prosecution evidence. The trial is not likely to conclude anytime soon in view of the current pandemic.

9. The complainant has already been examined and there thus seems no apprehension that petitioner would influence or pressurize her.

10. Considering the overall scenario, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

12. It is, however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

06.04.2021

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