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

**CRM-M No.8012 of 2020
Date of Decision: 08.02.2021**

GULAB SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.41 dated 07.04.2018, registered under Sections 365, 382, 34, 392, 386, 379-B IPC and Section 25/54 of the Arms Act IPC at Police Station GRP Sirhind.

The case was registered on the statement of Daljit Singh, who alleged that he had gone to duty on his motorcycle in the Company namely ICON Computer company. He withdrew an amount of Rs.20,000/- from ATM on his way

back to home. When the complainant reached near Railway Bridge, at about 8.00 P.M., one car came and stopped in front of his motorcycle. 04 persons alighted from the car duly armed with sticks and *kirch*. They made the complainant to sit in the car. One person out of aforesaid 04 persons started driving his motorcycle. The assailants snatched an amount of Rs.20,000/-, ATM card and mobile phone from the complainant. They withdrew more amount from the ATM card of the complainant thereby making tally of robbed amount to the tune of Rs.44,000/-. Petitioner was in custody in FIR No.91 registered under Sections 392/411 IPC and he was taken on production warrants in this case.

According to learned counsel for the petitioner, nothing has been recovered from the petitioner in the present case despite police remand granted by the Court.

Learned State counsel could not dispute the aforesaid position except to say that the petitioner was identified by the complainant in the Court and he is also involved in other cases. Petitioner is in custody since 03.05.2018. Only 8 prosecution witnesses have been examined out of 18 witnesses and 24.02.2021 is the next date fixed before the trial Court.

Having heard learned counsel for the parties, I find that co-accused Devender Singh has been granted regular bail vide

order dated 23.11.2020 passed by this Court in CRM-M No.54385 of 2019. Involvement of the petitioner in other cases is no ground to discard the regular bail on merits in view of **Crl. Appeal No.153 of 2020** titled '**Prabhakar Tiwari vs. State of U.P. and another**' decided on 24.01.2020. The alleged identification of the petitioner in the Court would remain debatable.

Keeping in view the custody of the petitioner, stage of trial and the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 08, 2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No