

CRM-M-11925 of 2021

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

(Proceedings through video conferencing)

CRM-M-11925 of 2021
Date of decision: 08.04.2021

Satnam Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Amardeep Singh, Advocate, for the petitioner.
Mr. Sandeep Singh Deol, DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through instant second petition under Section 439 Cr.P.C. petitioner seeks the grant of regular bail in FIR No.0066 dated 25.02.2020 registered under Sections 379-B, 342, 459, 506, 34 IPC (Sections 379-B, 34 IPC deleted later on vide diary No.24 dated 13.03.2020 and Sections 395, 460, 325, 411 and 201 IPC added later on) at Police Station City Tarn Taran, District Tarn Taran.

Brief facts of the prosecution case are that as per statement made by Bakshish Singh on the fateful day at about 10.45 p.m., a person knocked the gate of the *Dera* and told the complainant that they had already talked with Baba Mahinder Singh about the seriousness of their patient and want to admit him in the hospital and they also want to meet Baba Jiwan Singh Ji. When he opened the gate, he saw that three

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persons entered into the Dera forcibly and stopped their vehicle near the room of Baba Ji, whereas one person kept sitting in the car. The complainant had also seen that one of them was holding the arm of Baba Ji and pulled him in the room and he was given severe beatings by the aforesaid three persons. The complainant was also caused injuries.. The accused had stolen the offered money (*Chadhawa*). After stealing his mobile phone, accused fled away from the spot alongwith money. On the said averments instant FIR was registered.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He was not named in the FIR. Identity of the petitioner has not been established by the prosecution as no test identification parade was got conducted by the investigating officer. Petitioner is in custody since 01.03.2020. Report under Section 173 Cr.P.C. has been filed long back in June, 2020. Charges have not been framed as yet. Learned counsel further submits that the case of the petitioner is on better footing than that of his co-namely, Balwinder Singh @ Billa, who has been granted regular bail by this Court vide order dated 04.03.2021 passed in CRM-M-32394 of 2020. Conclusion of petitioner's trial may take a sufficient long time especially in the prevailing circumstances of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind bars any more. Therefore, considering the case of the petitioner on the same parity as that of his co-accused, petitioner may also be granted concession of regular bail.

Learned State counsel vehemently opposed the grant of regular

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bail to the petitioner on the ground that recovery of ₹5.65 lakh has been made from the petitioner and his first bail application was dismissed by this Court vide order dated 23.09.2020.

I have heard learned counsel for the parties and perused the record.

Perusal of copy of final report under Section 173 Cr.P.C. reveals that currency notes amounting to ₹28,87,000/- and a Swift Dzire car bearing registration No.PB-02-CB-0315 were got recovered as per disclosure statement made by co-accused Balwinder Singh @ Billa, who has already been granted concession of regular bail by this Court vide order dated 04.03.2021, whereas recovery of currency notes amounting to ₹5,65,000/- has been alleged to be made from the petitioner in pursuance to the disclosure statement made by him. That being so, the case of the petitioner stands on better footing than that of co-accused Balwinder Singh @ Billa, who has already been granted concession of regular bail by this Court vide order dated 04.03.2021. Moreover, challan has already been presented and charges are yet to be framed. Conclusion of trial may take a long time especially due to prevailing circumstances of Covid-19 pandemic. Therefore, no useful purpose would be served by keeping the petitioner behind bars during the pendency of trial.

Considering overall facts and change in the circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, considering the case of the petitioner on the same parity as that of his aforesaid co-accused, petitioner – Satnam Singh – is

ordered to be released on bail during pendency of trial, if not required in

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any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned. However, any observation made in this order shall not be construed to be an expression of opinion on the merits of the case.

April 08, 2021
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No