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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-16948-2021

Date of Decision: May 20, 2021

Rajpat @ Patel

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ferry Sofat, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.5 dated 11.01.2021, under Section 379 IPC, 1860 and Sections 395, 411, 413, 120-B IPC (added later on), registered at Police Station, Chamkaur Sahib, District Rupnagar. The petitioner is in custody since his arrest on 23.01.2021.

The above FIR was registered on the statement of Sandeep Singh (complainant), wherein it was alleged that he is owner of shop under the name of 'Sunny Iron and Hardware Store' at Jhallian Khurd Main road. On 10.01.2021, he went to his house after closing the shop. One Sarwan Bhaiya, who always looks after the shop, came to his house at 1.20 a.m. and told that around 11.30 p.m., one ten tyres vehicle carrying 8-10 persons came and after overpowering him took away the iron pipes etc. lying inside the shed after loading the same in the truck. When he reached at the spot, it was found that all the iron pipes and other material lying at the shop were stolen. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the challan in this case was filed on 01.04.2021, but the charges are yet to be framed. According to him, the trial will take considerable time to conclude, therefore, considering his custodial period, the petitioner be released on regular bail.

On the other hand, the prayer is opposed by the learned State counsel assisted by ASI Shinder Pal. According to him, the petitioner is involved in one more case, in which he has been granted bail. He submits that the next date before the court is 31.05.2021 for framing of charges.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the trial is at the initial stage with no possibility of its completion in near future as charges are yet to be framed. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the governments of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.01.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Rupnagar.

May 20, 2021

vipin kumar

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No