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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16987 of 2021 (O&M)

Date of decision: 29.04.2021

Avtar Singh @ Gabbar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.229 dated 15.12.2019, for offence punishable under Sections 379-B, 34, 411 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Kotkapura, District Faridkot.

Counsel for the petitioner has relied upon the order dated 15.02.2021 passed in CRM-M No.793 of 2021, vide which the co-accused of the petitioner namely Akashdeep Singh @ Honey was granted the concession of regular bail. The operative part of the said order reads as under:-

“As per allegations in the FIR, registered at the instance of complainant Suman Passi, it is stated that when she had gone to the market, two persons came on the motorcycle and the rider of the motorcycle was muffled face and the pillion rider was wearing a cap, who snatched her mobile phone. Later on, during investigation,

CASE HEARD THROUGH VIDEO CONFERENCING

the police recorded the statement of one Sahil Goyal and on the basis of the same, co-accused Avtar Singh was arrested from whom the mobile phone was recovered. On the disclosure of Avtar Singh, the petitioner, who is his neighbour, was nominated as accused and was arrested on 29.10.2020.

Learned State counsel has filed the custody certificate and submits that the petitioner is in judicial custody for the last about 3 months and 14 days; challan stands presented, however, charges have not yet been framed.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has also submitted that in fact, initially Sahil Goyal was arrested and in his disclosure statement, the name of the petitioner i.e. Avtar Singh @ Gabbar was surfaced and thereafter, on his disclosure statement, the aforesaid co-accused i.e. Akashdeep Singh @ Honey and Satnam Singh were nominated in the case. It is also argued that challan stands presented; the petitioner is in custody since 27.10.2020 and it will take some time in conclusion of the trial.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one another FIR No.193/2019 registered in the same Police Station, in which the petitioner was nominated later on, after his arrest in the present FIR.

Counsel for the State has also submitted that the recovery of mobile was effected from the petitioner.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 27.10.2020;

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the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.04.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No