

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

**CRM-M No.18617 of 2021(O&M)
Date of Decision: 21.05.2021**

Gurpreet Singh @ Gopi

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., AG, 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.03 dated 17.10.2020 registered under Section 3 of R.P. (U.P.) Act at Police Station RPF Pathankot Cantt.

The allegations are of possessing various properties unlawfully of railway department under Section 3 of R.P. (U.P.) Act.

Learned counsel for the petitioner submits that four cases have been registered against the petitioner and others within a span of three days on the premise that the petitioner and others have stolen the properties belonging to the Railways. In FIR No.5 dated 18.10.2020 under Section 3 of R.P. (U.P.) Act, the petitioner has been granted regular bail vide order dated 20.05.2021 passed in CRM-M No.18496 of 2021. In the present FIR, co-accused Sunny Kumar @ Sunny has been granted regular bail by the Additional Sessions Judge, Pathankot vide order dated 23.11.2020 on the premise that the offence is triable by the Magistrate. Challan has been presented and the trial of the case may take some time in its culmination. In case of the petitioner, the bail was dismissed by the Additional Sessions Judge, Pathankot on 01.02.2020 and thereafter, the bail was granted to co-accused Sunny Kumar @ Sunny on 23.11.2020.

It is not in dispute that the offence is triable by the Magistrate and the petitioner is in custody since 24.10.2020.

Learned State counsel, however, opposed the bail on the premise that the petitioner and others are involved in number of cases. In FIR No.4 dated 17.10.2020 for the same offence and in FIR No.6 dated 19.10.2020 for the same offence, the petitioner is still in custody.

I have heard learned counsel for the parties.

Petitioner is in custody since 24.10.2020. Offence is triable by the Magistrate. Challan has been presented. Co-accused had already been granted bail in the present FIR. No *bona fide* purpose would be served by keeping the petitioner in custody. The trial of the case may take some time in its culmination due to the situation arising out of COVID-19 Pandemic.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, 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 regular 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.

(RAJ MOHAN SINGH)
JUDGE

21.05.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No