

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

CRM-M No.18967 of 2021(O&M)
Date of Decision:- 08.06.2021

Shipahya @ Deep @ Sahib @ Ali

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vishwajit Bedi, Advocate for petitioner.

Mr. H.S. Sitta, Assistant Advocate General, Punjab-State

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of COVID-19 Pandemic.

2. The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.175 dated 24.06.2020 under Sections 379, 341, 323, 148, 149 IPC, registered at Police Station Beas, Amritsar Rural (Punjab).

3. Reply by way of affidavit of Surinder Pal, DSP, Sub Division Baba Bakala Sahib, District Amritsar (Rural), on behalf of respondent, has been filed.

4. I have heard the counsel for the petitioner as well as the State Counsel.

5. As per the allegations appearing on record, FIR in this case was registered against unknown persons regarding theft of about 180 sheep, on the night intervening between 23/24.06.2020.

6. Learned counsel for the petitioner submitted that the petitioner was arrested in this case on 01.02.2021. No incriminating article from his possession

was recovered. Presently he is lodged in judicial custody. The learned counsel further submitted that his request for grant of regular bail was declined by the Court of Additional Sessions Judge, Amritsar, just on the ground that he is named as accused in number of other criminal cases including one case registered under Section 302 IPC. The counsel for the petitioner clarified during arguments that the petitioner is already granted bail in murder case having FIR No.43 of 2018 under Section 302/201/34 IPC, Police Station Tarsikka. Learned counsel for the petitioner further submitted that now petitioner is in custody in only three cases including the present case. On the other hand, as per State Counsel, after the completion of investigation, the challan has been presented in the Court against the petitioner in the present case.

7. Admittedly, due to Covid-19 pandemic, no further proceedings have been taken up by the Trial Court, after the presentation of the challan. In these circumstances, I am of the view that no purpose would be served by detaining the petitioner in custody for any further period. Accordingly, this bail application is allowed and the petitioner is directed to be released on regular bail during trial, subject to his furnishing bail /surety bonds to the satisfaction of the CJM/Duty Magistrate, Amritsar. He is further directed to not to pressurize the prosecution witnesses in any manner and not to leave the country without the prior permission of the Court concerned.

8. Accordingly, the petition is disposed of in the above terms.

(KARAMJIT SINGH)
JUDGE

08.06.2021
PC

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No