

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

CRM-M-19698 of 2021

DATE OF DECISION :- July 02, 2021

Deepak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. G.S. Verma, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Deepak, aged about 21 years son of Naresh Kumar, resident of House No. 205, Street No. 2, 33-Futta Road, Shiv Mandir, Near Sarpanch Colony, Giaspura, District Ludhiana, an accused in F.I.R. No. 257 dated 09.10.2020 registered with Police Station Division 6, Ludhiana for offences under Section 394 IPC and Section 25 of the Arms Act, 1959 (Sections 411 & 324, 120-B IPC and Section 54 of the Arms Act added later on).

Briefly stated the facts of the case as per prosecution story are that on 09.10.2020 complainant-Sandeep Jain who is working as Manager at Rattan Fabrics 707, Industrial Area-A Ludhiana at about 6.00 P.M while driving his scooty Make Maestro bearing No. PB-10-FZ-8390 had reached opposite ATI College Gill Road. He was having an amount of Rs.3,42,000/- placed in a bag in the dickey of scooty. In the meanwhile, a Verna Car of

white colour came from backside and hit his scooty Maestro and he fell down towards left side alongwith his scooty, and three clean shaven persons came out from the said car. Two of them were armed with datars and one of them was having a pistol type arm in his hand. The person who were armed with datars gave blow to him and injured him and one of them snatched his scooty and ran towards Gill Chowk and the remaining persons also fled away in their car. Complainant informed his employer telephonically about the said incident. The complainant, who was injured was taken to ESI hospital, Ludhiana.

On the basis of his statement, an FIR was recorded and the investigation in the case started. On 10.10.2020 the scooty snatched by the accused was recovered. On 18.10.2020 a supplementary statement of the complainant was also recorded, who disclosed the name of accused as Gurpreet Singh @ Gopi working as cashier in Jindal Textile Firm and his co-accused as Shubham Gopi, Sanjeev Kumar @ Sanju Baman, Mohit Sharma and Toti. On the basis of his supplementary statement, the offence under Section 120-B was also added lateron. The present accused Deepak was arrested on 3.12.2020. An amount of Rs.1,40,000/- out of the snatched amount along with car used in the instant crime were recovered from the accused.

Petitioner/accused had approached the Court of Sessions at Ludhiana seeking regular bail. His such application was assigned to Additional Sessions Judge, (Fast Track Special Court) Ludhiana, who vide order dated 19.4.2021 dismissed the same. As such he has approached this Court craving for grant of similar relief by filing the present petition, which is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has argued that co-accused of the present petitioner Mohit Sharma from whom recovery had been effected and who was similarly placed has since been granted concession of regular bail by this Court vide order dated 16.2.2021 passed in CRM-M-41567 of 2020 (Annexure P1); the petitioner is behind bars since about seven months; the conclusion of trial is likely to take some time, as such he be granted regular bail. Learned State counsel opposes the prayer. As per the custody certificate filed by the State counsel the petitioner is shown to be involved in two more criminal cases i.e. F.I.R. No. 86 dated 22.7.2020 under Sections 323/324/379-B/148/149 IPC registered with Police Station Daba, Ludhiana and F.I.R. No. 204 dated 5.9.2019 under Sections 61/1/14 under the Excise Act registered with Police Station Sahnewal, Ludhiana. Although as informed by the State counsel the challan has been filed against the accused but charge is yet to be framed and the case is fixed for 9.8.2021 for the purpose of consideration on the point of framing of charge.

Considering all the facts and circumstances of the case including the fact that conclusion of trial is likely to take considerable time for the reason that charge is yet to be framed and statements of PWs are still to be recorded, further more the functioning of the Courts had been adversely effected on account of outbreak of Covid-19, the petition deserves to be accepted and it is hereby allowed. Petitioner Deepak is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Ludhiana subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

Since the petitioner is shown to be involved in two more criminal cases, to ensure that he does not adopt the path of crime again, it is directed that on coming out of jail after being granted concession of bail, he shall get his presence marked at Police Station Division 6, Ludhiana on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

July 02, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No