

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

Criminal Misc.-M No.21407 of 2021
Date of Decision: September 20, 2021

Tarsem Singh alias Sema

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S.Barnala, 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.120 dated 15.03.2021, under Sections 379-B, 411 and 34 IPC, 1860, registered at Police Station, City Barnala, District Barnala, who is in custody since his arrest on 17.03.2021.

The above FIR (Annexure P-1) was registered on the basis of the written complaint by complainant Harjinder Kaur, wherein she stated that on 15.03.2021 she went to market on her scooty for purchasing and while returning back from market, at around 3.00 p.m., two young boys riding on red motorcycle came from behind and one of them was wearing turban. When complainant reached outside her house and was parking her scooty, the riders snatched her gold chain and ran away. She raised alarm and people who gathered there tried to search the assailants, but they could not be found. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that though none of the assailants was named in the FIR, but upon arrest of Charanpreet Singh from whom gold chain of the victim was recovered, the petitioner was also indicted as an accused on the basis of his disclosure statement. According to him, the investigation of the case is complete and, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Lakhwinder Singh, who has argued that the petitioner was accompanying his co-accused Charanpreet Singh and as per the CCTV footage, he was wearing a mask, whereas his companion Charanpreet Singh was identifiable. However, it is not disputed that the final report has been filed on 12.05.2021 and the trial is yet to commence.

After hearing the learned counsel for the parties, considering the above background and the custodial period of the petitioner, this court is of the opinion that the trial is yet to commence and it may take considerable time to conclude, therefore, the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 17.03.2021.

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, Barnala.

September 20, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No