

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM No. M-22179-2021

Date of Decision : 16.06.2021

Rahul @ Bondi @ Vicky

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sarju Puri, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 11, dated 13.02.2021, registered under Section 379-B IPC, at Police Station Sadar Banga, District SBS Nagar.

Learned counsel for the petitioner submits that the present FIR has been registered on the day when the petitioner was arrested in respect of another FIR being FIR No. 2 dated 06.01.2021, under Sections 379-B, 411, 34 IPC, registered against the petitioner at Police Station Mukandpur, District SBS Nagar. Learned counsel for the petitioner further submits that FIR No. 11 dated 13.02.2021 clearly states that the incident occurred on 25.01.2021 but does not state the reason why the FIR was being registered after such a long delay and that too after the petitioner had already been arrested in respect of FIR No. 2 dated 06.01.2021. Learned counsel argues

that in fact the recording of the present FIR has been done after the alleged recoveries were effected from the petitioner while investigating FIR No. 2 dated 06.01.2021 whereas after the incident took place on 25.01.2021, the FIR should have been recorded immediately thereafter. Learned counsel for the petitioner further submits that no recovery is to be effected from the petitioner in respect of the allegation alleged in FIR No. 11 dated 13.02.2021 and as the investigation is already over and the challan has already been presented, hence no useful purpose will be served keeping the petitioner behind the bars.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that FIR No. 11 dated 13.02.2021 has been registered on the basis of an incident which occurred on 25.01.2021. Learned State counsel further submits that it is only after the arrest of the petitioner, the said FIR was got registered keeping in view the recovery, which was effected from the petitioner while investigating FIR No. 2 dated 06.01.2021.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Nothing has come on record as to why the FIR No. 11 was got registered on 13.02.2021 when the incident happened on 25.01.2021.

Further, the investigation is already over and the challan has been presented and no useful purpose will be served by keeping the petitioner behind the

bars during the trial as the trial is likely to take some time, especially, in the present situation which has arisen due to pandemic of Covid-19, therefore, the petitioner is granted the benefit of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

June 16, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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