

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-28954-2021
Decided on : 02.08.2021

Shubham Vishkarma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.180 dated 17.08.2017 registered under Sections 379/420 IPC,1860 (Section 66-B of Information Technology Act, 2000 added later on) at Police Station Model Town District Ludhiana.

On a query put to learned counsel for the petitioner as to what was the substantial change in circumstances, which would merit an acceptance of second petition under Section 439 Cr.PC, learned counsel for the petitioner submits that the trial has not proceeded subsequent to withdrawal of the previous petition. He further submits that meanwhile similarly situated co-accused Devinder Kumar and Mukul Garg have been extended the concession of bail by this Court vide orders dated 09.07.2018 and 23.10.2019 respectively. He submits that the petitioner has been falsely implicated in the case in hand on the allegations of withdrawing Rs.1 lakh from the bank account of the complainant by cloning his ATM card. He

further submits that the petitioner is in custody since 27.09.2017 and there is no likelihood of the trial concluding in the near future as only 5 out of 8 prosecution witnesses cited have been examined so far. Hence, prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel has opposed the prayer and submissions of learned counsel for the petitioner. He on instructions from ASI Bheesam Dev has apprised the Court that the petitioner is involved in three more cases of similar nature. He has however not been able to controvert the fact that the co-accused, who have since been extended the concession of bail are similarly situated and their role is at par with that of the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 27.09.2017, the trial is unlikely to conclude in the near future the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

02.08.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No