

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.30811 of 2021

Date of Decision: August 09, 2021

Pardeep Kumar @ Vachha @ Eagle @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vinay Kumar, 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.19 dated 14.03.2020, under Sections 379-B(2), 34 IPC, 1860 and Sections 411, 201 IPC (added later on), registered at Police Station, Verka, District Amritsar. The petitioner is in custody since his arrest on 29.05.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Amritsar in his order dated 24.06.2021, are as under:-

“Present FIR has been registered on the statement of complainant Varinder Kumar alleging that on 14.03.2020 at about 7:45 he was going on foot to bring food for his father and when he reached near G.T.Road Bye-pass, Railway Bridge, Verka, in the meantime three persons came on motorcycle, who made blows of rod on his person and thereafter they forcibly snatched his phone, head phones and metro pass and ran away from the spot.”

Learned counsel for the petitioner has argued that the petitioner

was not named in the FIR and has been arrested on the basis of the disclosure statement made by the co-accused. He submits that other co-accused have already been released on regular bail, therefore, the further detention of the petitioner may not be necessary as qua him also, the investigation is nearly complete. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Sawinderjit Singh, has argued that the mobile in question was recovered from the petitioner as he had purchased the same from his co-accused.

At this stage, learned counsel for the petitioner submits that the case of the petitioner is completely distinguishable from his co-accused.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that the co-accused of the petitioner have already been released on regular bail, this court finds that the trial is yet to commence and the same is likely to consume considerable time to conclude, therefore, the further detention of the petitioner behind the bars may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 29.05.2021.

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, Amritsar.

August 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No