

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

220

CRM-M No.32892 of 2021
Date of decision:19.08.2021

Ajay Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.26, dated 07.04.2019 registered under Sections 379-B and 34 IPC registered at Police Station City Sadar Abohar, District Fazilka.

As per the version of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Pirthi Raj, on the allegation that when he was returning back along with his companion, Onkar Singh, after selling wooden logs, they were waylaid by three unknown persons, who came on a motorcycle and with muffled faces and looted them.

Counsel for the petitioner has argued that the complaint has

been lodged against unknown persons and the petitioner is not named therein. He urges that there is no eye witness to the incident and there is a delay of one day in lodging of the complaint. He has placed reliance upon orders dated 09.12.2020 passed in CRM-M-27527-2020, Annexure P-2 and order dated 29.06.2021 passed in CRM-M-22203-2021, Annexure P-3, whereby co-accused Lakhwinder @ Lucky and Ajay Singh have been released on bail during the pendency of trial by this Court. Counsel submits that though the petitioner is involved in two other cases, the details of which have been given in Para 18 of the petition but the petitioner is willing to furnish an undertaking to that effect that he will not get involved in any other criminal case. He urges that the investigation is complete, challan has been presented, charge has been framed, though the prosecution evidence is yet to start and the petitioner, who is in custody since 31.01.2020 deserves to be released on bail.

Opposing the petition, learned State counsel upon instructions from ASI Girish Kumar, submits that the petitioner and the other co-accused snatched a sum of Rs.20,000/- from the complainant and Rs.60,000/- from his companion besides their mobile phones. As per his instructions, Rs.4,000/- has been recovered from the accused, though the recovery of mobile phones could not be effected from either of the accused. Upon further instructions, he submits that charge has been framed on 22.02.2021 and the trial is fixed for 01.09.2021, though statement of none of the ten prosecution witnesses has been recorded.

I have considered the rival submissions of the parties.

As the material collected by the prosecuting agency would remain debatable, this Court is of the prima facie view that the petitioner would be entitled to the grant of concession of bail during the pendency of the trial.

Keeping in view the nature of allegations, gravity of offence and in particular, the period of incarceration of the petitioner of more than one year and six months as well as the fact that the trial is likely to take time to conclude, this Court deems it appropriate to release him on bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

While being released on bail, the petitioner shall furnish an undertaking to the effect that henceforth, he will not indulge in any criminal activity. In case, the petitioner violates the undertaking, it shall be open to the State to seek cancellation of bail.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.08.2021
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No