

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

**CRM-M No.30189 of 2020 (O&M)
Decided on: 10.02.2021**

Balwinder Singh @ Binda	Versus	...Petitioner
State of Punjab		...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.85 dated 25.07.2016, for offence punishable under Sections 379-B of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Bhogpur, District Jalandhar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Phulwanti, 02 young men, who have concealed their face with cloth snatched the gold earring from the left ear of the victim and ran away from the spot. It is further submitted that the petitioner was granted the concession of regular bail and was appearing before the trial Court, however, as the petitioner was arrested in one more FIR No.63 dated 04.04.2017 under Sections 379-B, 411, 482 IPC at Police Station Adampur, District Jalandhar and he was not produced before the trial Court. Later on, the petitioner was declared as proclaimed offender on 03.01.2018 and in FIR No.63 dated 04.04.2017, the petitioner was released on bail on 27.02.2020.

Counsel for the petitioner has further argued that in the meantime, in the main case the co-accused of the petitioner namely Chamkaur Singh has already been acquitted by the trial Court. It is further submitted that since the offence against the petitioner is identical as the co-accused Chamkaur Singh has been acquitted by the trial Court, therefore, the chances of conviction of the petitioner are very bleak. It is also submitted that the petitioner is in custody, after his re-arrest from 25.07.2020.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody after his re-arrest from 25.07.2020; the co-accused of the petitioner has already been acquitted by the trial Court; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

10.02.2021

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Whether speaking/reasoned
Whether reportable:

(ARVIND SINGH SANGWAN)

JUDGE

Yes/No
Yes/No