

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

CRM-M-41905-2020

Date of Decision: 08.04.2021

Dharminder Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Mr. Vinay Kumar, Advocate,
for the petitioner.

Ms. Akshita Chauhan, AAG Punjab.
(presence marked through video conferencing)

ARUN MONGA, J. (ORAL)

1. Through this second bail application, petitioner is seeking regular bail in FIR No. 148 dated 16.09.2020, registered under Sections 379-B, 411 and 473 IPC read with Section 34 IPC, Police Station Rangar Nangal, District Batala, having got the earlier petition(CRM-M-33825 of 2020)dismissed as withdrawn on 30.10.2020.

2. Per prosecution, on 16.09.2020 in the evening around 3:00 p.m., complainant Komalpreet Kaur was returning home on a moped with her friend Kajalpreet. On the way, two unknown persons came on a motor cycle and kicked the Moped of complainant. Resultantly both moped riders fell down. The pillion rider of the motor cycle snatched away purse of complainant containing Rs. 46,000/-.

3. During investigation, on 20.09.2020, a supplementary statement of complaint was recorded. She disclosed the identity of person driving the motor cycle as Dharminder Singh(present petitioner) and the pillion rider as Abhishek @ Sheku. The petitioner was arrested on 20.09.2020 and motor cycle used in the offence was recovered. It was found that the accused had affixed fake number plate on the motor cycle, as such offence under Section 473 IPC was also added.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. According to him, initially the FIR was registered against the unknown and unidentified persons. It is not known as to from where the complainant out of the blue got the clue that it was the petitioner who was driving the motor-cycle. He further submits that petitioner is in custody since 20.09.2020. Investigation is already over. There is no headway in the trial due to scenario that has arisen due to current pandemic.

5. On antecedents of the petitioner, learned counsel submits that the petitioner is not involved in any other case and he is just 21 years old and suffering inordinate incarceration.

6. Per contra, learned State counsel opposes the bail plea. According to her, there is every apprehension that petitioner would again indulge in similar offence, if released on bail.

7. I have heard the rival contentions of the respective learned counsels.

8. The contentions of learned counsel for petitioner, as noted aforesaid, may have substance but same can only be adjudged at the trial. Concededly, the FIR was registered against the unknown persons and identity of petitioner as motor cyclist has been revealed later vide

supplementary statement of complainant recorded on 20.09.2020.

Investigation is already over, charges have been framed and the case before the trial court is now fixed for prosecution evidence. The trial is not likely to conclude anytime soon in view of the current pandemic.

9. Considering the overall scenario, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

11. It is, however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

08.04.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No