

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42483-2020

DATE OF DECISION: APRIL 20, 2021

BUNTY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MANJINDER SINGH SAINI, ADVOCATE
FOR THE PETITIONER.

RANA HARJASDEEP SINGH, 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.58 dated 27.4.2018, under Section 307/379-B/397 and 34 IPC and Section 25-54-59 Arms Act, Police Station Sadar Hoshiarpur, District Hoshiarpur. The petitioner is in custody since his arrest on 2.8.2020.

The above FIR was registered on the statement given by Dinesh Walia, which reads as under:-

“Statement of Dinesh Walia s/o Brij Mohan Walia, r/o Vijay Nagar, aged 25 years, mobile No.86994-61616. Stated that I am resident of above mentioned address and am owner of petrol pump at village Kharkan Bajwa. On dated 26.04.2018. Sir, as per routine, I finished the work in my office and after putting the cash in my bag, after counting the cash which was Rs.46,000/-, I exited from the office gate and was going towards my car XUV-PB-07-AS-1616, when from the Dhaba side on the main road, at about 9-15 p.m., two young boys who were

having their faces covered and who were armed with pistol, came to me and raised lalkara to throw my money bag and also fired a shot towards me. Thereupon, I fired gunshot, in my defence, after taking shelter behind the car, then they again rushed towards me and I again fired shot and retreated towards the generator; they again fired at me and I also fired at them to save myself, then I threw the bag, which was containing Rs.46,000/-, ATM card, some money in cash, PAN Card and Aadhaar Card, as I was not left with any cartridges, the accused took away the same and fled away from the spot while raising lalkaras. Thereafter, I gathered some courage and myself drove my car and came to Shivam Hospital for treatment. That the abovesaid accused persons have caused injuries to me by attacking me with intention to kill and have snatched my bag, purse, money, ATM, PAN Card and Aadhaar Card. Kindly take appropriate legal action against them.”

Learned counsel for the petitioner has argued that his co-accused, namely, Jashanpreet and Jorawar Singh @ Jora have already been released on regular bail. The copies of orders are appended with the petition as Annexures P-3 and P-4 respectively. He submits that the petitioner is not one of the two accused persons who approached the victim at the petrol pump to commit the alleged offence of snatching. According to him, the investigation of the case is complete, but the trial is likely to consume considerable time to conclude therefore, he prays for regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Kuldeep Singh has opposed the aforesaid prayer on the ground that the

petitioner also participated in the crime as he did the recce of the said petrol pump and was also present at a nearby place on a cycle. He further submits that though the investigation of the case is complete, but the charges against him are yet to be framed.

After considering the learned counsel for the parties and considering the above background, this Court is of the opinion that the trial is at the initial stage with no possibility of its completion in near future. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 2.8.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 20, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No