

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

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CRM-M-8093-2021

Date of Decision: 18.01.2022

Navjot Singh alias Navi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vikas Bishnoi Godara, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

ALKA SARIN, J.

Heard through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 (in short 'CrPC') for grant of regular bail to the petitioner in case FIR No.70 dated 06.04.2020 under Section 379-B IPC registered at Police Station Focal Point, Ludhiana. The first petition being CRM-M-19334-2020 was dismissed as withdrawn on 06.08.2020.

As per the allegations, on 06.04.2020 a police party was present and patrolling near Phase-V, Focal Point, Ludhiana during corona virus curfew when secret information was received that the accused and his associate Saurav Sehgal used to loot and snatch belongings of passer-byes after threatening them and today they are coming on a stolen Hero Splendour black motorcycle without number for sale of a snatched mobile phone and if a naka is laid they can be apprehended. Considering the information to be reliable, intimation was sent to the Police Station for registration of a FIR. Thereafter, police laid a naka where the accused and his associate were apprehended.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated and a false recovery has been fastened from him. It is further the contention that the co-accused Saurav Sehgal has already been granted bail by the Additional Sessions Judge and that the petitioner has been in custody since 06.04.2020. Learned counsel for the petitioner has also submitted that there is no progress in the trial of the case.

Status report by way of affidavit of Sh. Simranjit Singh, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana has been filed wherein it has been stated during the investigation of the case the petitioner escaped from police custody regarding which FIR No.87 dated 06.04.2020 was registered against him. It is also stated that the petitioner is a habitual offender and there are various cases registered against him. According to the status report, the challan was presented in Court on 01.06.2020.

Heard learned counsel for the parties.

In the present case the petitioner was apprehended by the police on 06.04.2020 but he escaped from custody on that very day. He was re-arrested on 30.04.2020. There are other cases pending against him. According to the custody certificate dated 15.11.2021, the petitioner has not been granted bail in FIR No.184 dated 06.12.2019, FIR No.87 dated 06.04.2020 and FIR No.57 dated 28.03.2020 while he has been convicted in FIR No.69 dated 05.04.2020. However, this Court cannot loose sight of the fact that the petitioner has been in custody in the present case since 30.04.2020 (after his re-arrest) and the charges are yet to be framed. The trial is yet to begin. The only reason given by the State in the status report for not granting bail is that *“if at this stage he is granted any concession of bail*

by this Hon'ble Court then he may indulge in criminal activities again and may cause inconvenience and wrongful loss to the general public and may also create problems for the local police in such a serious Covid pandemic" which is hardly a ground to deny bail to an accused.

Keeping in view the above facts and without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

18.01.2022
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO