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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.17399 of 2021 (O&M)

Date of decision: 10.02.2022

Nishan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.K. Ganga, 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.22 dated 09.02.2021, for offence punishable under Section 397 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Subhanpur, District Kapurthala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of the complainant Shali, he is an agriculturist and his uncle has given Rs.2.50 lacs to take care of his house, which is under construction. He has taken out Rs.90,000/- for making the payment to the contractor and was going on a motorcycle, when a car came from the back side and the driver asked him to stop. Thereafter, a person alighted from the car and gave a datar blow on his left leg and another person gave datar blow on his head and took away Rs.90,000/- from him.

CASE HEARD THROUGH VIDEO CONFERENCING

Counsel for the petitioner has further submitted that the petitioner is a first offender and was nominated in the case on the basis of the disclosure statement of co-accused Sagar. It is also submitted that the petitioner is in custody since 04.03.2021, the investigation is complete and he is not involved in any other case.

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 for the last 11 months and 12 days; the petitioner is not involved in any other case; 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.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No