

**In the Court of Jaspinder Singh(UID No. PB0148),
Additional Sessions Judge, Amritsar.**

CNR No: PBAS010066672020.
Registration No: BA/3068/2020.
Instituted on: 8.7.2020.
Date of order: 15.7.2020.

State Versus Arim Chopra aged 25 yrs s/o Arun Chopra r/o
Gali no.5, Sharifpura Rani Bazar, Asr.

.....Accused/applicant.

FIR No: 75 dtd 20.2.17.
Under Section: 379(b)(2), 379,411/34 IPC.
Police Station: Civil Lines,Asr.

Present:- Sh.Sanjeev Arora,Advocate, for the
applicant/accused.
Mrs.Anju Sharma,Addl.PP for the State.

ORDER:

1. File put up today before me being Judge on Duty as per latest order of Ld.Sessions Judge, Amritsar, dated 30.6.2020, to deal with urgent criminal matters, in compliance of order dated 8.5.2020 and 23.5.2020 of Hon'ble Punjab & Haryana High Court, Chandigarh, due to outbreak of Novel Coronavirus(COVID-19).
2. This order of mine shall dispose of **2nd** bail application u/s.439 of Cr.P.C filed on behalf of accused-applicant for grant of regular bail.

3. The applicant/accused has filed the present bail application with the averments that the first bail application u/s.439 of Cr.P.C had been dismissed by the Court of Sh.Amarjeet Singh,ASJ, Amritsar on 31.5.2017. The said case is pending trial in this Court and is fixed for 20.7.2020. The applicant is innocent and has been falsely implicated by the police on the basis of suspicion. More than 3 years have passed but prosecution has not concluded its evidence. Co-accused Atul Chawla who has a similar role as of the applicant was released on bail by Sh.Amarjeet Singh, ASJ, on 20.7.2017. Applicant is in judicial custody since 20.2.2017. The completion of trial is yet to take a long time. No useful purpose would be served by keeping the pplicant behind the bars especially during pandemic disease of Covid-19. Applicant is only bread winner of his family. Hence, this bail application.

4. Upon notice issued to State, Addl.PP for the State has appeared. Trial Court file received.

5. I have heard ld.counsel for the applicant/accused and ld.Addl.PP for the State through Video Conference and gone through the file very carefully.

6. Perusal of the file shows that applicant in this case is in

custody since his arrest on 22.2.2017. Addl.PP for the State has submitted that this is the second bail application. The counsel for the applicant has submitted that there is now change of circumstance, as accused is in custody for the period almost 3 ½ years and material witness has already been examined. Perusal of the file shows that previous bail application of the applicant was dismissed on 20.7.2017. At that time, even trial has not begun against accused persons, as case was committed to the court on 31.3.2018. Thereafter challan was presented. After presentation of challan, trial has started and statements of five prosecution witnesses have already been recorded including the complainant and eye witnesses. So there is a change of circumstance that material witnesses have been examined. So tampering of the evidence of the complainant and eye witnesses at this stage cannot be done by the applicant. Moreover, due to Covid-19, the conclusion of trial will take long time as there is only virtual courts functioning, evidence of the witnesses is not to be recorded. Moreover, due to outbreak of coronavirus(Covid-19), and jails are to be decongested. So keeping in view all these facts and that there is change of circumstance, the present bail application of applicant-accused is allowed and applicant-accused is admitted to

bail subject to his furnishing personal bail bond in the sum of Rs.1,00,000/- with one surety in the like amount and further subject to following terms and conditions:-

1. That accused/applicant shall appear in the court on each and every date of hearing;
2. Accused/applicant will not tamper with the prosecution evidence;
3. Accused/applicant will not leave the country without prior permission of the court.

However, before parting with the order, it is further observed that due to outbreak of Covid-19, it may be possible that applicant may not be able to furnish the surety bond as sureties may not be available. So at the time of furnishing of bail bond, applicant may be for the time being, released on furnishing personal bond of the sum ordered above, giving him time to furnish the surety bond, within the stipulated period, so granted by the Court. Present bail application be attached with the trial Court file, which be now put up on the date already fixed.

Pronounced in open Court.
15.7.2020.

(Jaspinder Singh),
Additional Sessions Judge,
Amritsar.(Duty).
UID No. PB0148.