

**In the Court of Sandeep Singh Bajwa, Addl. Sessions Judge,
Amritsar.**

**B.A. no. 1562 of 2020.
CNR No. : PBAS-0100-4326-2020.
Date of Institution :17.4.2020.
Date of order :03.06.2020.**

S T A T E

Versus.

**Darpan Wadhwa son of Vijay Kumar, R/o Ward No.9, Railway Road,
Makhu, Distt. Ferozepur.**

.....Accused.

**FIR no.206/23.8.2017.
U/s 379-B(2)/411/34 IPC.
Police Station : Chheharta , Amritsar.**

IInd bail application u/s 439 Cr.P.C.

**Present :- Sh. R.S.Chicha, Adv. Counsel for the
applicant/accused on Vc.
Ms. Ritu Kumar, Additional PP for the State.**

O R D E R

**1. This order shall dispose off an application for bail moved on
behalf of abovesaid applicant/accused under section 439 Cr.P.C for**

regular bail in FIR No. 206 dated 23.8.2017, u/s 379-B(2)/411/34 of IPC, P.S. Chheharta, Amritsar.

2. The applicant/accused has filed the present bail application averring therein that he is in judicial custody since 5.9.2017 and no more required for further investigation. He has been falsely implicated. In the present case, the complainant and other witnesses have been examined and none of the witness has deposed against the present applicant/accused. He undertakes to abide by the terms and conditions of bail. Thereafter, prayer has been made for allowing the bail application.

3. Per contra, ld. Addl.PP for the State has argued that the allegations against the applicant-accused are serious in nature. The period of detention of the applicant-accused behind the bars is not sufficient. She further argued that the present case is at the stage of prosecution evidence which is yet to be concluded and there is every likelihood that in case he is enlarged on bail at this stage, he would flee which would prejudice the trial, therefore, he does not deserve any leniency of regular bail at this stage and thus she prayed for dismissal of the application.

4. I have heard the rival submissions besides perusing the record.

7. In the present case, it has been mainly alleged by the complainant Sanju Sharma that on the day of occurrence at about 5.30 PM, she was going to her house after finishing job at the factory and when she reached near the street Vikas Nagar, two clean shaven young persons came on a motorcycle Splendor from behind, snatched her purse and pushed her to the ground. When she tried to get back her purse, the pillion rider gave a dattar blow on her left wrist. She raised a cry, but the accused fled away from the spot after snatching her purse contained Rs.4000/-, two mobile phone Samsung along with SIMs, keys and documents. As per record, the applicant is in custody since 10.9.2017. Recovery of alleged snatched articles has already been effected. Nothing is to be recovered from the applicant and that he is no more required for further investigation. On further perusal of the record, it is revealed that present accused has been charged under section 411 of IPC only and even complainant while deposing in court has specifically stated that snatching was committed by co-accused Vijay Kumar and Sukhdev Singh thereby showing that main allegations are against co-accused only. PW10 has turned hostile qua the identity of the present applicant-accused and co-accused. The applicant/accused is in custody for the last more than two

years. The presence of the applicant-accused is only required for the proceedings to be conducted in the trial. Therefore, no useful purpose will be served by keeping the applicant-accused behind bar for indefinite period as conclusion of trial will take long time. Under these circumstances, present bail application is allowed and applicant 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. Due to COVID-19 outbreak and in view of directions of Hon'ble High Court in CRM-M-11952-2020 (O&M) date of decision 30.3.2020 passed in **"Ishu Grover @ Ishu @ Gollu Vs. UT Chandigarh & another,** the accused is directed to furnish personal bonds in the sum of Rs. 1 lac. with an undertaking that he shall furnish surety bonds/bail bonds as and when the situation regarding outbreak of pandemic of COVID 19 (Novel Coronavirus) become normal before the concerned court and further subject to conditions that applicant-accused will neither leave the country without prior permission of the court nor accused will tamper with the witnesses of the prosecution and will appear on each and every date of hearing. Bail application file be attached with the main trial and record be

sent back to the concerned court.

Pronounced in open court.

Dated:- 3.6.2020.

**(Sandeep Singh Bajwa),
Additional Sessions Judge
Amritsar.(D)**

Karamjeet Kaur,
Stenographer Grade-II.