

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.917 of 2020 (O&M)

Date of Decision: May 20, 2020

Kiranpal Babbar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Sandhu, Advocate,
for the petitioner.

Mr. Pardeep Parkash Chahar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.213 dated 20.03.2019, under Sections 148, 149, 307, 323, 325, 506 IPC, 1860, 25, 54 Arms Act, 1959 and Section 3 SC/ST Act, 1989, registered at Police Station, Assandh, District Karnal, pending trial. The petitioner is in custody since his arrest on 12.09.2019.

The above FIR was registered on the basis of the statement given by John Balmik, wherein it was alleged that Murti Devi wife of Roshan Lal had engaged the complainant and others to take care of her orchid. On 20.03.2019, Sher Singh son of Gurmeet Singh, Happy, residents of Gharaunda, Khush Babbar and Kiran Babbar, both residents of Nissing along with 30-32 unknown miscreants fired shots upon them with their weapons. It was narrated that Sher Singh was an accused in FIR No.752 dated 01.09.2018, under Sections 406, 420, 467, 468, 471, 506 and 120-B

IPC, Police Station Assandh, wherein he was on bail. As per allegations, accused Sher Singh and his companions caused injuries on legs, arms and head of complainant and others with lathis and dandas. In the said occurrence, Pardeep, Naresh, Balbir and Lovepreet also suffered injuries, however, when the complainant raised alarm, the accused fled away from the spot by firing gun shots and fire arm injuries were suffered by Naresh, Pardeep and complainant. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the civil litigation between Sher Singh and Murti Devi is pending and her application for grant of temporary injunction already stands declined. He has referred to the order dated 10.07.2019 (Annexure P-4) passed in Civil Revision No.1971 of 2019 passed by this Court, whereby the revision petition brought by Murti Devi was dismissed. It is contended that five persons were injured on the side of Murti Devi and only Lovepreet and Pardeep had received grievous injuries. He has pointed out that a cross version was also recorded through FIR No.221 dated 23.03.2019, under Sections 25, 54 Arms Act and 120-B, 148, 149, 307, 323, 324, 506 IPC, Police Station Assandh, which was recorded on the basis of statement of Kushdev Singh son of Gurbachan Singh. It is pointed out that Kushdev Singh is real brother of the petitioner, who also suffered gun shot injuries. It is pointed out that as per the allegations in cross-version, the assailants had tried to take possession of the land belonging Kiran Pal Babbar (petitioner). Learned counsel contends that the petitioner is in custody since his arrest on 12.09.2019 and the investigation of the case is complete. He states that the charges were framed by the trial Court on 29.11.2019. He prays that further

custody of the petitioner may not be necessary and, therefore, he be released on regular bail pending trial.

On the other hand, learned State counsel assisted by DSP Dalbir Singh, has opposed the prayer on the ground that the petitioner was involved in the crime. It is not disputed by him that the cross version is also recorded at the instance of the brother of the petitioner and both sides had suffered injuries in the alleged occurrence. It is pointed out that no witness has been examined so far out of the total eighteen prosecution witnesses.

After hearing the learned counsel for the parties and considering the custody of the petitioner, this Court is of the opinion that the trial is likely to consume considerable time in view of the outbreak of global pandemic, namely, COVID-19 in the region and State Government and District Administration have imposed various restrictions to curb its spread and, therefore, further custody of petitioner may not be justified.

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/Duty Magistrate, Karnal.

The petition is allowed.

May 20, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No