

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

**CRM-M No.6171 of 2020
Date of Decision : 24.09.2020**

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Amit Arora, Advocate
for the Petitioner.

Mr. Harbir Sandhu, Asstt. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.172, dated 9th November, 2018, registered under Sections 302, 34 of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959 (offence under Section 201 IPC and Section 30 of the Arms Act added later on) at Police Station Goindwal Sahib, District Tarn Taran.

2. The Petitioner has remained in custody for a little less than two years by now after being originally arrested on 9th November, 2018.

3. Perusal of the FIR (Annexure P-1) goes to show that the role attributed to the Petitioner is that he along with his wife Surinder Kaur had instigated their sons by stating that, “whatever may happen today we will plaster the wall”. This alleged instigation cannot necessarily be regarded as

one asking his sons to actually kill anyone. The actual gun-shot, which resulted into death of the Complainant's elder brother Manjinder Singh @ Laddi, is specifically imputed to Salwinder Singh @ Raja who happens to be the son of the Petitioner, and is already in custody.

4. It transpires that charges in the case have been framed. However, evidence from the Prosecution Side has not yet commenced although as many as 22 witnesses have been cited in the Challan. Apparently, the trial is not proceeding in the normal course due to prevalence of the Covid-19 Pandemic and is therefore not likely to be concluded within a reasonable forceable future.

5. In the given circumstances, without commenting upon the other merits of the case, but considering the old age of the Petitioner and the limited role attributed to him in the FIR as also keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6. Disposed off.

September 24, 2020

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No