

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6897-2020

DATE OF DECISION: MAY 14 , 2020

GURDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ANURAG CHOPRA, ADVOCATE FOR THE PETITIONER.
MR. DHARUV DAYAL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition for grant of regular bail in case FIR No.123 dated 13.7.2012 under Sections 307/323/324/34 IPC, Police Station Jhabhal, District Tarn Taran, pending trial. The petitioner is in custody since his arrest on 17.1.2020.

The FIR was lodged at the instance of complainant Gurmeet Singh (brother of the petitioner) narrating the incident dated 7.7.2012 accusing the petitioner of causing injuries to him. In the said occurrence, the complainant suffered three injuries which were caused by a spade carried by the petitioner. It was further alleged that the motive behind the occurrence was dissatisfaction of the accused in respect of the family settlement amongst the brothers. On these broad allegations, the above case was registered for the offences against human body.

Learned counsel for the petitioner contends that earlier the petitioner was declared as Proclaimed Offender on 31.8.2013 and in his

absence, P.O. challan was submitted on 16.12.2013. He submits that ever since that occurrence, no other occurrence has taken place between the two brothers.

Mr. Chopra, learned counsel for the petitioner has argued that in the alleged occurrence, the petitioner also suffered 5 injuries. He has invited the attention of the Court to his medico-legal X-ray form in this regard (Annexure P-2). He submits that the injuries suffered by the complainant were simple in nature and therefore, considering the custody of petitioner and the prevailing circumstances in the country, concession of regular bail be extended to the petitioner, as the trial would take a long time.

Mr. Dhruv Dayal, DAG, Punjab assisted by Inspector Prabhjit Singh has opposed the prayer on the ground that the petitioner remained as Proclaimed Offender for a long time. He submits that the petitioner surrendered on 17.1.2020 and the trial is yet to commence. It is not disputed by learned State counsel that the injuries suffered by the complainant are simple in nature. He further submits that as all the injuries were on the face and head, therefore, Section 307 IPC was attracted.

At this stage, Mr. Chopra has invited the attention of this Court to the order dated 27.1.2020, passed in IOIN-CRM-M-39539-2019 to contend that a cross-version has been registered through General Diary No.33 dated 17.1.2020 against the complainant. It is further submitted by Mr. Chopra that the petitioner had surrendered before the police, pursuant to the order passed by this Court in his application for grant of pre-arrest bail.

After hearing learned counsel for the parties and considering

the above background, this Court is of the opinion that in the given facts, further custody of the petitioner may not be necessary, particularly when the trial is like to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread.

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, concerned.

May 14, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No