

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

CRM-M-12287 of 2020
Date of Decision: 26.08.2020

Davinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amandeep Singh Manaise, Advocate
 for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.130 dated 13.04.2020, registered under Sections 505(2), 153-A, 115, 188, 269, 270, 271 of IPC, Section 54 of the National Disaster Management Act, 2005 and Section 18 of NDPS Act, 1985 , at Police Station Civil Lines Batala.

Learned counsel for the petitioner states that the present FIR was registered against the petitioner on the ground that the petitioner is provoking people through his facebook id regarding the incident that occurred in Patiala on 12.04.2020 where one Nihang chopped off the arm of an Assistant Sub Inspector. Learned counsel further states that the petitioner has been in custody since 13.04.2020 and the recovery effected from the shop of the petitioner i.e. 9 grams of opium is a very small quantity. It is further pointed out by the learned counsel for the petitioner that the similarly situated accused who were facing the similar allegations, have been granted regular bail by the Courts at Hoshiarpur and Malout.

Learned State counsel states that the petitioner has been instigating people through his facebook id, which has gone viral, and thus, encouraging the illegal act of the persons who have injured ASI Gurdial Singh. Learned State counsel further states that the petitioner has been in custody since 13.04.2020 and the challan has been presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.04.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

On the last date of hearing i.e. 06.08.2020, this Court found that the affidavit filed by Ms. Parvinder Kaur, PPS, Deputy Superintendent of Police, City Batala, Police District Batala, District Gurdaspur, was without date and she was asked to file an affidavit to this effect. Today, an affidavit dated 24.08.2020 has been filed by her, which is taken on record. The unconditional apology of the said officer is accepted and no further orders are called for in this regard.

(HARNARESH SINGH GILL)
JUDGE

26.08.2020
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No