

CRM-M-12701-2020 (O&M)

Date of decision: 03.06.2020

Jarnail Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Sandeep Vermani, Addl.A.G., puts in appearance on behalf of the State on his own.

CRM-10911-2020

In view of the averments made in the application and in the interest of justice, the same is allowed subject to all just exceptions.

CRM stands disposed off.

CRM-M-12701-2020

Petitioner/accused-Jarnail Singh, in this case bearing
FIR No.108 dated 12.04.2020 under Sections
307/353/186/188/269/148/149 of the Indian Penal Code and Section

51(a) of Disaster Management Act, 2005 and further enhanced offences under Section 333 of IPC and Section 54 of Disaster Management Act, 2005 registered at Police Station Sadar Mansa, District Mansa, has sought regular bail under Section 439 Cr.P.C.

The facts brought to the notice of this Court are that the present case was got registered by ASI Gurtej Singh alleging that during the outbreak of COVID-19, while the police party on 12.04.2020 were carrying on their duties of patrolling, restraining the people from freely moving, few persons came across whose name have been mentioned in the FIR and told them not to do so. It is subsequent, after the police again came back during the course of patrolling, group of villagers in all numbering (30) persons armed with *sotas* and other weapons assaulted the police. It is alleged that accused/non-applicant-Darshan Singh attacked the complainant by means of a wooden faura on the head. Accused-Gagan gave a stick blow on the left cheek whereas, accused-Goldy, gave stick blow on the back and all injuries are simple in nature.

The learned State counsel has opposed the bail on the grounds that it was during serious outbreak of pandemic while the police was undertaking its duties, the accused had tried to restrain them by using criminal force and therefore, in view of the seriousness of the allegations, disentitled them to any relief.

Learned counsel for the petitioner states that the petitioner is neither named in the FIR and it is subsequently, at the

belated stage, his name has cropped up in the daily diary register and he is in custody since 12.04.2020 and no specific role is attributed to him.

Going through the submissions, admittedly, as is conceded at the bar by the learned State counsel, name of the petitioner does not figure in the FIR and it is subsequent thereto, his name has cropped up.

More so, there is no specific role attributed to the petitioner and even the injuries attributed to the co-accused/non-applicants are simple in nature.

In light of the same and the fact that the investigation and trial is not likely to be concluded in the near future and this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

03.06.2020		(FATEH DEEP SINGH)
<i>Neha</i>		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No