

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209)

CRM-M-13083 of 2020

Date of Decision: 18.06.2020

Dharminder Singh @ Harmeet Singh @ Meeta
Versus

...Petitioner

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. M.S. Basra, Advocate, for the petitioner.
Mr. Harmandeep Singh Sullar, DAG, Punjab

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of bail, upon FIR no.20 dated 06.04.2019 having been registered at Police Station Purana Shalla, District Gurdaspur, against him, alleging therein the commission of offences punishable under Sections 302/148/149/216/120-B of the IPC and Section 25/54/59 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody for the past 1 years and 2 months now, with the trial not progressing because with the arrest of the two other co-accused of the petitioner, it has started *de novo*, though, prior to that, material witnesses and the complainant had already been examined. He further submits that the petitioner was initially not attributed any specific role in the murder of the

deceased, Ajay Salaria, but subsequently, in a supplementary statement alleged to have been made by the complainant, he is alleged to have inflicted an injury with a *datar* blow on the arm of the deceased, with the fatal gun shot fire having been attributed to his co-accused, 'Gassy'.

He further submits that the two other co-accused of the petitioner, i.e. one Sandeep Kumar @ Prince and Sunny Masih, have already been granted bail by this court with a much shorter custody period.

Mr. Sullar, learned DAG, Punjab, submits that the petitioner having been attributed a specific role in the occurrence, with a blood stained *datar* having been recovered from him, he does not deserve the concession of bail.

However, he could not deny the fact that after the arrest of two other co-accused, the trial would virtually start *de novo*.

He further submits that that there are two other cases registered against the petitioner, one under the provisions of the Punjab Excise Act, 1914 and the other for the commission of offences punishable under Sections 323, 324, 148 and 149 of the IPC.

Having considered the matter and the fact the fatal gun shot has not been attributed to him, with the trial again 're-starting' with the arrest of other two co-accused, also looking at the period of his custody, I deem it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate.

18.06.2020
Vcgarg/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No