

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14217-2020 (O&M)

DATE OF DECISION: JUNE 23, 2020

JAGIR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMARDEEP SINGH, ADVOCATE FOR THE PETITIONER.
MR. DHARUV DAYAL, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Jagir Singh has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.305 dated 29.12.2018 under Section 302, 182, 120-B and 34 IPC, P.S. Jandiala, District Amritsar. The petitioner is in custody since his arrest on 7.1.2019

The above FIR was registered on the basis of statement made by complainant, Jasmer Singh, wherein it was alleged that his wife Rupinder Kaur was contesting the election of Sarpanch at village Khalehra against her rival contestant, namely, Sandeep Kaur wife of Harjinder Singh. His brother-in-law, namely, Tejinder Singh had joined them. On 29.12.2018, complainant alongwith Titu and Tejinder Singh were going to village Khalehra for canvassing on a motorcycle driven by complainant whereas the others were the pillion riders. At around 05.00 a.m. accused, Harjinder Singh, Jaspal Singh and Kuldeep Singh stopped them and exhorted for teaching a lesson for contesting the election against them. According to the

complainant, the accused gave injuries on the head of Tejinder Singh who fell down and died. The complainant and Titu ran away in the fields in order to save their lives. On these broad allegations, the above case was registered for the offence of murder.

Learned counsel for the petitioner contends that the co-accused, of the petitioner namely, Jasmer Singh, has been granted the concession of regular bail by this Court vide order dated 27.5.2020 (Annexure P-9) and the case of the petitioner is at par with his co-accused. It is prayed that the trial is likely to consume considerable time, therefore, he be released on regular bail.

Learned State counsel, on instructions from ASI Jatinder Singh does not dispute the aforesaid argument. It is also not disputed by the learned State counsel that the material witnesses, namely, Sawinder Singh, Sadha Singh and Harpreet Singh have been examined by the prosecution. It is further pointed out that 21 witnesses still remain to be examined.

Considering the above background, the custody of the petitioner and the fact that the co-accused of the petitioner has already been granted the concession of regular bail, therefore, this Court does not find any reason to decline the prayer. The trial is likely 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, so, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 23, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No