

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14604-2020

DATE OF DECISION: JULY 24, 2020

SIKANDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. RIFFI BIRLA, ADVOCATE FOR THE PETITIONER.
MR. HARMANDEEP SINGH SULLAR, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Sikander Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.23 dated 12.4.2020, under Section 188, 269, 379-B IPC, P.S. Amir Khas, District Fazilka. The petitioner is in custody since his arrest on 12.4.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fazilka in her order dated 12.5.2020, are as under:-

“As per record, the above-noted FIR against the applicant/accused and others namely Sukhmander Singh, Jasmeet Kaur and Kirna Rani (non-applicants) was registered on the basis of statement of one Jaswant Singh son of Balbir Singh, resident of village Nathu Chisti, P.S. Amir Khas who stated that he is the present Sarpanch and that as per instructions of the Punjab Government and Deputy Commissioner, Fazilka, he alongwith one Balwinder Singh, Member Panchayat and Kulwant Singh the son of other Member Panchayat Jaggo Bai in connection with getting an announcement at

Gurudawara Sahib asking the people to stay at their houses due to imposition of curfew due to Corona Virus was going to Gurudawara Sahib and that when they reached at the gate of Gurudawara Sahib then Sikandar Singh son of Balbir Singh, Sukhmander Singh son of Balbir Singh, Jasmeet Kaur wife of Sikandar Singh and Kirna Rani wife of Sukhmander Singh were standing in their house and on seeing them they all violating the curfew order came near to them and indulged into hot altercation with them saying that as who he was to make any such announcement asking the people to stay in their houses and he replied that this order of the administration that no one will come out of the house without any reason and asked them all to go to their houses and on this, Sikandar Singh scuffled with him and all remaining persons also joined him and as a result, he fell down. The complainant stated that when he was lying fallen, Sikandar Singh took out the amount of Rs.3000/- lying in the front pocket of the shirt worn by him and that the members accompanying him rescued from them and thereafter they all went to their houses.”

Learned counsel for the petitioner contends that the complainant is the Sarpanch of the village and his act of distributing ration to his own supporters was opposed by the petitioner and therefore, he has been falsely implicated in the present case. It is pointed out that the petitioner's residence is in front of the Gurudwara where the alleged occurrence took place. Learned counsel has contended that the investigation of the case is complete and his further custody is not required as the trial is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned counsel for the State assisted by ASI Hoshiar Chand has opposed the aforesaid prayer. However, it is not disputed that the investigation of the case is complete. He submits that the case has been committed to the Court of Sessions on 25.6.2020.

Considering the above background, this Court is of the opinion that the investigation of the case is complete, but trial of the case 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, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose. 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 concerned.

The petition is allowed.

July 24, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No