

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-14813-2020

DATE OF DECISION: 30.07.2020

GURPINDER SINGH

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.163 dated 07.11.2019, under Sections 302 and 34 IPC, registered at Police Station Nehianwala, District Bathinda.

Learned senior counsel for the petitioner contends that no injury has been attributed to the petitioner, who is alleged to have raised a 'lalkara' and called the co-accused namely Akashdeep to the spot. He further contends that the petitioner was unarmed and was stated to be driving the car. The co-accused Akashdeep is alleged to have caused a solitary injury with a knife on the deceased. The motive is attributable to the co-accused Akashdeep. Learned senior counsel also contends that from the *prima facie* material on record, the offence may fall under Section 304 IPC and not under Section 302 IPC. The petitioner is not involved in any other criminal case and is in custody for over 8 ½ months.

Learned State counsel, upon instructions from ASI Gandur Singh, contends that although challan has been filed but charges are yet to be framed. He further contends that 27 prosecution witnesses have been cited in the challan. He also contends that the petitioner had instigated the other accused to give a knife blow to the deceased.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner was unarmed, no injury is attributed to him, he is in custody for 8 ½ months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

30.07.2020.

SwarnjitS

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