

CRM-M-15304-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-15304-2020

Date of Decision: 01st July, 2020

Lakhwinder Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Suveer Sheokand, Addl.A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.130, dated 29.11.2019, registered at Police Station Mehtiana, District Hoshiarpur, under Sections 302, 341 and 34 of the Indian Penal Code, where the petitioner has been arrested on 30.11.2019.

It is the contention of the learned counsel for the petitioner that going by the FIR which has been registered, petitioner is said to be standing and abusing deceased - Gurdial Singh. He contends that no overt act except for this has been attributed to the petitioner. He contends that the other co-accused have been alleged to have taken down deceased Gurdial Singh from the bus holding him by neck on the ground and given beatings. The challan stands presented before the Illaqa Magistrate and because of the Covid-19

pandemic, the proceedings before the Illaqa Magistrate are being adjourned. The next date of hearing is 14.07.2020 when again there is every likelihood of the matter being postponed for hearing because of the prevailing situation. He, therefore, contends that the petitioner may be granted the concession of regular bail.

On the other hand, learned counsel for the State submits that the petitioner although has not been attributed any overt act except for the one which has been pointed out by the learned counsel for the petitioner but Section 34 of the Indian Penal Code comes into play where he is equally liable for all the acts of the others and therefore, concession of regular bail may not be granted to the petitioner.

I have considered the submissions made by the learned counsel for the parties and keeping in view the role of the petitioner, which has been attributed to him and likelihood of adjournments of the case before the Illaqa Magistrate because of the prevailing pandemic situation of Covid-19, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

01st July, 2020
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No