

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15556-2020 (O&M)

DATE OF DECISION: AUGUST 5, 2020

KULDEEP SINGH @ RANGA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. JAIDKA, ADVOCATE FOR THE PETITIONER.
MR. P.S. WALIA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Kuldeep Singh @ Ranga has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.76 dated 7.4.2018, under Section 302, 212, 216, 148, 149 IPC, Police Station Meharban, District Ludhiana. The petitioner is in custody since his arrest on 5.12.2018.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ludhiana in his order dated 6.5.2020, are as under:-

“FIR in question was registered against the accused/ applicant and others on the statement of complainant Mahinder Singh. In his statement, the complainant has mainly claimed that on 06.04.2018 when complainant and his son Prabhkirpal Singh and nephews Amritpal Singh and Manmohan Singh were present in the house, the accused/ applicant along with his associates armed with sticks came to his house and started abusing. At about 6.30/7.00 PM when complainant’s nephew

Amritpal Singh came out of the house to persuade accused/ applicant and his associates, they all attacked him and started beatings to him. On hearing hue and cry, the complainant and his son Prabhkirpal Singh and nephew Manmohan Singh came out and tried to rescue Amritpal Singh from the clutches of the accused/ applicant and his associates. The assailants also attacked complainant and other members of his family. Complainant, his son and his nephew received injuries in this case. They were removed to hospital. Complainant's nephew Amritpal Singh died during treatment."

Learned counsel for the petitioner contends that the as per the allegations levelled by complainant Mahinder Singh, victim Amrit Pal Singh died as a result of injury suffered on account of blow given by Devender Singh on his head. He has argued that the petitioner was named in the FIR and was allegedly carrying a stick, but he had given injury on the right eyebrow of the victim. It is pointed that the material witnesses, i.e. the complainant and the father of the victim have already testified before the Court and have not supported the prosecution case. He submits that as the trial of the case is likely to consume time, therefore, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Harjit Singh has opposed the aforesaid prayer on the ground that the petitioner was specifically named in the FIR. According to the Ld. State Counsel the petitioner was armed with a stick, who also participated in the occurrence. He submits that the petitioner was part of the unlawful assembly and had caused injury to the victim also. However, it is not

disputed by him that the fatal blow was attributed to the co-accused Devender Singh. It is also not disputed by him that the complainant has not supported the prosecution case and was declared hostile. Further, the co-accused of the petitioner have already been released on regular bail.

Considering the above background, this Court is of the opinion that the material witnesses have been examined, 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.

August 5, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No