

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15949-2020 (O&M)

Date of Decision :10.07.2020

Amandeep Singh @ Goli

....Petitioner

versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner during the pendency of trial in case FIR No.193 dated 05.12.2019, registered under Sections 307, 148, 149 and 120-B of Indian Penal Code and Sections 25/27 of the Arms Act, at Police Station Cantonment, District Amritsar.

3. Learned counsel for the petitioner contends that no injury is attributed to the petitioner, that the fire arm injury is attributed to co-accused Subham Bhandari, who has already been released on bail by the learned trial Court, the petitioner has been in custody since 08.12.2019, challan was presented on 04.03.2020 and the case is now fixed for framing of charges on 30.07.2020 and that the trial would take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner in custody especially in view of prevailing circumstances on account of Covid-19 pandemic. Learned counsel further contends that the learned trial Court wrongly took into account that the shots were fired by the petitioner along with the co-accused, whereas, a perusal of the statement of the victim U/s 161, Cr.P.C. reveals that the fire arm injuries were inflicted by Shubham Bhandari and the petitioner is merely attributed of his having a datar in his hand but which he did not use on the victim.

4. Learned DAG, Punjab, has fairly admitted that the fire arminjury on the victim is not attributed to the petitioner but to co-accused Shubham Bhandari and further that no injury is attributed to the petitioner.
5. I have considered the submission of learned counsel for the parties.
6. Without commenting upon the merits of the case and taking into account the fact that the petitioner is in custody since 08.12.2019, challan has been filed on 04.03.2020, charges are yet to be framed, trial of the case would take considerable period of time to conclude besides the bullet injury is not attributed to the petitioner but co-accused Shubham Bhandari and no injury is attributed to the petitioner, no useful purpose would be served by keeping the petitioner behind the bars especially in view of the prevailing Covid-19 pandemic. Accordingly, the petition for regular bail is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned and provided he is not required in any other case.
7. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

10.07.2020
'Rajneesh/Amit'

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