

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

CRM-M No.15506 of 2020
Date of decision: 1st July, 2020

Navdeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Karan Pathak, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana puts in appearance on behalf of the respondent/State and Mr. Sandeep Berwal, Advocate for the complainant on their own.

Petitioner Navdeep has moved this third regular bail application under Section 439 Cr.P.C. in case bearing FIR No.14 dated 09.01.2016 under Sections 302, 323, 341, 148, 149 IPC pertaining to Police Station Safidon, District Jind, the earlier two such bail applications having been declined by this Court on 30.08.2016 and 04.02.2020. The brief allegations that have come about are that on 09.01.2016 during the canvassing of panchayat elections, complainant Jaswant Singh was accosted by co-accused non-applicants comprising of Sahab Singh,

Gurbaj Singh, Jaspal Singh, Mehar Singh, Karamjot Kaur, Jodhvir, Kulbir, Kulwant, Major Singh, Hoshiar Singh, Bhupender, Amritpal, Balwinder, Ranjit Singh, Beant Singh, Hardeep Singh, Jodha Singh and the present petitioner Navdeep. The allegations are that the petitioner raised lalkara inciting his co-accused to attack the complainant side at which Jodhvir co-accused gave a blow of Balam on the chest of Azad Singh and the latter had died. The petitioner is attributed a blow of Gandasa on the left ear of the complainant while the other co-accused Amritpal and Karamjeet Singh too are alleged to have given brick bat blows.

Learned counsel for the petitioner Mr. R.S. Rai, Senior Advocate assisted by Mr. Karan Pathak, Advocate inter alia contends that the co-accused non-applicants Ranjit Singh, Jaspal Singh, Gurbaj Singh, Sahab Singh and Mehar Singh have been allowed the same very relief including the principal accused Jodhbeer Singh; submitting that the petitioner is in custody since 18.01.2016 and the trial is not likely to be concluded in the near future.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana assisted by Mr. Sandeep Berwal, Advocate for the complainant has opposed the grant of bail on the grounds that trial is underway and if allowed bail the petitioner might stifle the trial. It is argued that the petitioner is attributed a blow on the complainant and therefore, disentitles him to any relief.

Going through the submissions of the two sides, as has been argued by learned counsel for the petitioner, the principal accused Jodhbeer Singh has been allowed bail and that the case of the petitioner is on a better footing, as only simple injury is attributed to him on non-vital part of the body. More so, the petitioner is behind bars since almost 3 ½ years and in view of the pandemic scenario, trial is not likely to be accomplished in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jind. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 1, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No