

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM -M No.15554 of 2020 (O&M)
Date of Decision : 14.09.2020

Gurbaksh Singh @ Gurbux

...Petitioner

Versus

State of Punjab

....Respondent

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

Present : Mr. Kulbhushan Raheja, Advocate for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.

B.S. Walia, J. (VC)

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

CRM No.15721 of 2020

Allowed as prayed for.

Main Case

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.28, dated 07.04.2020, registered under Sections 307, 336 IPC besides Sections 25/27 of the Arms Act, 1959, at Police Station Zira, District Ferozepur.

2. Learned counsel contends that vide order, Annexure P-3, dated 16.05.2020, the petitioner was ordered to be released on interim bail for a period of 06 weeks by taking into account the fact that although the complainant had levelled allegations of firing with gun towards the complainant but as per record, no injury was received by the complainant in

the course of the trial and that presentation of challan and conclusion of trial would likely take time.

3. Learned counsel contends that the application for regular bail was dismissed vide order (Annexure P-2) dated 11.05.2020 on the ground that there were specific averments of the complainant regarding firing by the petitioner towards him with his 12 bore rifle.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case on account of party factionalism in the village and that no injury was received by the complainant, besides the said allegations are to be substantiated during the course of trial and although the petitioner was arrested on 17.04.2020, challan has not been filed, till date.

5. Learned counsel for the petitioner further contends that since the petitioner is in judicial custody since 17.04.2020, he is no longer required for investigation, and due to circumstances prevailing on account of *Corona Virus pandemic*, trial would take considerable period of time to conclude, therefore continued detention of the petitioner is not justified.

6. Learned State Counsel does not controvert the aforementioned factual position except for stating that the petitioner is involved in 03 cases under the NDPS Act and in 01 case under Section 420 IPC etc, although he is on bail in the aforementioned cases, besides he has been acquitted in another case.

7. I have considered the submissions of learned Counsel. In view of the position noted above as also that the trial is yet to commence and would take considerable period of time on account of the prevailing Corona

Virus Pandemic, besides no injury was inflicted on the complainant and the petitioner has been in judicial custody since 17.04.2020, the petition for regular bail is ***allowed***. The petitioner is directed to be released on bail, subject to his furnishing requisite bail / surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C.

9. However, nothing stated hereinabove shall be taken to be an expression of opinion qua the merits of the case.

(B.S. Walia)
Judge

September 14, 2020

'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>