

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

**CRM-M No.15658 of 2020 (O&M)
Date of Decision: 20.08.2020**

Talwinder Singh @ Bunty Purewal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

CRM-19315-2020

Application has been filed seeking withdrawal of the main petition.

Learned Counsel for the applicant/petitioner wishes to withdraw the application.

Permitted to do so.

Ordered accordingly.

MAIN CASE

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.035 dated 23.02.2020, under Sections 341, 323, 506, 379-B, 427, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Basti Bawa Khel, Police Commissionerate Jalandhar.

As per prosecution case, on 22.02.2020 at about 10:30 PM, complainant-Sunny Kumar, along with son-in-law of his Aunt, namely,

Vikrant Sharma, was going on their Swift Car bearing registration No.PB-08-CM-0799 towards the house of her Aunt. At about 10:45 PM, 6/7 Sikh young boys and one Hindu boy were standing while parking their motorcycles in the street. When complainant tried to pass his Car adjoining them, one Sikh boy who was wearing the attire of Nihang by raising *raulla* came in front of his Car and stopped the same and started raising *raulla* that he had hit his Car with the motorcycle. When complainant came outside his Car, said boy broke the front wind shield of his Car by inflicting an *Iron Rod* blow. Thereafter, he inflicted another *Iron Rod* blow on the back side of the head of complainant. Vikrant Sharma tried to rescue the complainant, but all the accused gave beatings to him and snatched his gold chain. Two of the accused were armed with *Iron Kara* and some were armed with brick bats. When complainant raised *Raulla Mar Ditta Mar Ditta*, all the assailants fled away from the spot with their respective weapons.

Contents that petitioner is in custody since 23.05.2020 and after investigation in the matter, challan was presented on 14.07.2020. Also contends that petitioner was named in the FIR after deliberation on the next date of occurrence i.e. 23.02.2020 by alleging that verifications were made regarding the complicity of the petitioner. Further contends that there was no Test Identification Parade, conducted by the police at any point of time.

The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned, but opposed the present bail application.

Heard learned Counsel for the parties and perused the paper-book.

Although, learned Counsel for the petitioner has also argued that a brawl had taken place in front of his house and FIR is just concocted for false implication of the petitioner.

Be that as it may, since the investigation is already over and charges are yet to be framed, thus, taking into consideration the factum of Covid-19, trial is not likely to be completed in near future, therefore, his further incarceration would not serve any purpose.

Consequently, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court and shall not unnecessarily delay the proceedings in any manner.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

August 20, 2020

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>