

CRM-M-16996-2020

Date of decision: 08.07.2020

Balbir Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Gurvinder Singh Sidhu, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent.

Mr. Pawan Sharda, Senior DAG, Punjab puts in appearance and accepts notice on behalf of the official respondent.

Petitioner/accused-Balbir Singh has come up in this regular bail application under Section 439 Cr.P.C., in a case bearing FIR No.47 dated 07.04.2018 under Sections 458, 354, 307, 120-B of the Indian Penal Code (Section 309 of the IPC added later on) and Sections 25 and 27 of the Arms Act registered at Police Station Sadar Samana, District Patiala, Punjab the earlier one having been declined by this Court vide order dated 26.11.2019.

Upon hearing counsel for the two sides and on perusal of

the records, the present case has been got registered by an unmarried student girl aged around 22 years, hosteler in a college in Samana. In a statement, the complainant alleges that on 06.04.2018 at around 09:30 PM while she was in her hostel room along with her friend, the accused trespassed into her room and tried to molest her and when she opposed him, the accused fired a 12 bore gun on her which hit the right side of the face of the complainant.

The contentions of learned counsel for the petitioner that the petitioner has undergone incarceration for a period of 02 years 02 months and this itself has not been refuted by the State. The injured has since been discharged and in view of the present COVID-19 pandemic, there is every likelihood that the trial is not going to be accomplished in the near future.

Keeping in view the period of incarceration of the petitioner, it would be unjustified at this juncture to keep the petitioner behind the bars.

In light of the same and without commenting on the merits of the case, the petition is allowed. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned with undertaking that he shall not commit any offence while on bail.

However, it is made clear that in case, the petitioner tries to influence the witnesses or stifle the trial, the prosecution is at

liberty to move for the cancellation of the bail.

The petition stands disposed off accordingly.

08.07.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No