

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17589-2020

Date of Decision: 30.09.2020

Gurnam Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Saurav Khurana, 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 Cr.P.C. is for grant of regular bail to the petitioner, aged 60 years, in case FIR No.108 dated 05.07.2015, registered under Sections 302, 307, 506 and 34 of IPC, 1860 and Sections 25/27 of the Arms Act, 1959, at Police Station Nehianwala, District Bathinda.

3. Learned counsel contends that the petitioner is innocent and has been falsely implicated in the case. Injury inflicted on the deceased, Gurjit Singh is not attributed to the petitioner and only fire arm injury to Raju is attributed to the petitioner. Learned counsel further contends that the petitioner is in custody since the past more than five years and out of twenty seven prosecution witnesses, only fifteen prosecution witnesses have been examined so far, the trial is not progressing on account of Corona Virus pandemic, therefore, no useful purpose would be served by keeping the petitioner in custody.

4. Learned DAG, Punjab, on instructions from ASI, Des Raj, does not controvert the factual position as noted above and contends that although it was co-accused, Buta Singh, who fired a shot with his .12 bore gun which killed, Gurjit Singh it was the petitioner who fired a shot with his .12 bore gun, which hit Raju Singh on the back of his neck when he tried to run away and that in the circumstances the petitioner be not released on bail.

5. I have considered the submissions of learned counsel for the parties. Admittedly, the petitioner was armed with .12 bore gun and caused fire arm injury to Raju on the back of his neck, whereas, main co-accused, Buta fired with his .12 bore gun and killed Gurjit Singh. However, the petitioner has been in custody since 06.07.2015 i.e. for the past more than five years and out of twenty seven witnesses only fifteen witnesses have been examined so far and the trial is stated to be not progressing on account of prevailing Corona Virus pandemic. Accordingly, in view of the custody already undergone by the petitioner i.e. more than five years and also in view of the fact that the trial is not progressing since March, 2020, on account of prevailing Corona Virus pandemic, resultantly examination of the remaining witnesses may take some time, no useful purpose would be served by keeping the petitioner in custody.

6. In the light of the position as noted above, the petition for regular bail is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail / surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate concerned, 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.

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

(B.S. Walia)
Judge

30.09.2020
'Amit-Rajesh'

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