

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M-17811-2020

Date of decision: 23.07.2020

Yadwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Bipan Ghai, Senior Advocate with  
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Anterpreet Singh, Advocate for the complainant.

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**GIRISH AGNIHOTRI, J. (Oral)**

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

Petitioner-Yadwinder Singh, stated to be aged 59 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.66 dated 13.04.2019 (Annexure P-1), registered under Sections 302, 307, 323, 427, 452, 148 & 149 of Indian Penal code, Sections 3 & 4 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Sections 25, 54 & 59 of Arms Act (Section 148 & 149 IPC deleted and Section 34 IPC added later) at Police Station Sadar Jagraon.

Learned Senior counsel appearing for the petitioner has made many fold submissions. He *inter alia* submits that perusal of the FIR clearly shows

that in fact, name of the petitioner only figures at a much later stage with alleged attribution that he gave *kirpan* blow to the complainant (not the deceased). He further submits that if this version is tested by making reference to the MLRs (Annexure P-2), it is evident that nature of injury is stated to be blunt (i.e. from blunt weapon not by *kirpan*). He then submits that it was in fact a case of version and cross-version as he further refers to Annexure P-3 (colly), wherein, three persons from the accused side, have also suffered injuries. He then submits that two persons namely Kuldeep Singh and Gurmeet Singh have been granted bail by this Court vide order dated 10.02.2020, passed in CRM-M-40335-2019. To conclude, he submits that in fact, in such a case of version and cross-version, it cannot be definitely stated as to which was the aggressor party.

On instructions from ASI Satinder Pal Singh, learned State counsel submits that it is a matter of fact that two persons have been granted bail namely Kuldeep Singh and Gurmeet Singh. It is also submitted that the allegations primarily against the petitioner is to have allegedly caused blow to the complainant by *kirpan* (not the deceased).

On asking of the Court, learned counsel for the complainant submits that the complainant was discharged from the hospital on the same day. However, he submits that the petitioner was member of unlawful assembly. He further submits that there is a general allegation in the FIR that all of them had caused beating to the deceased.

Faced with the situation, learned Senior counsel submits that there are total of 24 witnesses, but, none has been examined till date. Charges have been framed on 16.08.2019 and now the case is fixed for 03.08.2020 for

framing of charges. It is also submitted that the petitioner has undergone 01 year & 04 months of custody. Learned senior counsel further submits that because of COVID-19 situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, hence, the petitioner may be granted concession of regular bail.

In view of the peculiar facts and circumstance as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned, subject to his furnishing bail/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

**(GIRISH AGNIHOTRI)**  
**JUDGE**

23.07.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No