

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18255-2020 (O&M)

DATE OF DECISION: JULY 28, 2020

RAM SINGH & ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. B.S. SIDHU, ADVOCATE FOR THE PETITIONERS.
MR. AMIT MEHTA, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioners Ram Singh and Lachhman Singh have filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.91 dated 4.5.2020 under Sections 324, 323, 34 IPC (Section 325, 326 IPC added later on), Police Station Sangat, District Bathinda. The petitioners are in custody since their arrest on 29.5.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Bathinda in his order dated 29.6.2020, are as under:-

“The brief facts of the prosecution case are that the FIR was registered on the statement of complainant Joginder Singh on the allegations that on 3.5.2020, he was present in his house. Then at about 8.00 p.m., Bittu Singh, their neighbourer came and they started chatting. As Bittu Singh got up to return back to his home, he accompanied him. In the meanwhile, their neighbourer Ram Singh came. He exhorted a Lalkara that he (complainant)

should be taught a lesson for convening Panchayat every now and then, Ram Singh had a iron punch on his fingers, whereas, Lachhman Singh was armed with iron rod and Kiranjit Kaur also accompanied them. Ram Singh gave a fist blow on his forehead with the iron punch and another blow was given on his left eyebrow. Lachhman Singh gave a blow with iron rod on his right leg. He then fell and both of them caused injuries on his left arm and nose. As Bittu Singh came to his rescue, Lachhman Singh also gave an iron rod blow on him. His brother Jagdev Singh came out. Kiranjit Kaur hurled a brick bat on his ear and all of them also inflicted injuries on Jagdev Singh.”

Learned counsel for the petitioners contends that earlier the FIR was registered under Section 324, 323 and 34 IPC, but later on offence under Section 325 and 326 IPC were added. He submits that the petitioners are brothers and the co-accused (mother of the petitioners) has been granted anticipatory bail by this Court on 25.6.2020. He further submits that the investigation of the case is complete and challan has already been filed and therefore, further custody of the petitioners may not be necessary. He submits that the trial of the case is likely to consume considerable time. He prays that the petitioners be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Amrit Pal Singh has opposed the aforesaid prayer. However, it is not

disputed that the the offence under Section 325 and 326 IPC were added later on vide DDR No.18 on 13.5.2020. It is also not disputed that the investigation of the case is complete, but no witness has been examined so far.

After hearing the learned counsel for the parties this Court is of the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioners may not be justified. The petitioners are presently confined in judicial custody and are not required for any useful purpose. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 28 , 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No